

VILLAGE OF DOWNERS GROVE
REPORT FOR THE VILLAGE COUNCIL WORKSHOP
JULY 24, 2007 AGENDA

SUBJECT:	TYPE:	SUBMITTED BY:
Demolition Ordinance Amendment	<div style="text-align: center;">✓</div> Resolution Ordinance Motion Discussion Only	Dave Fieldman Deputy Village Manager

SYNOPSIS

An ordinance has been prepared amending chapter seven of the building code which relates to development and construction in neighborhoods.

FISCAL IMPACT

N/A.

STRATEGIC PLAN ALIGNMENT

The Five Year Plan and Goals for 2006-2011 identified *Demolition and Site Management Ordinance: Development and Action*.

RECOMMENDATION

Approval on the July 24, 2007 agenda.

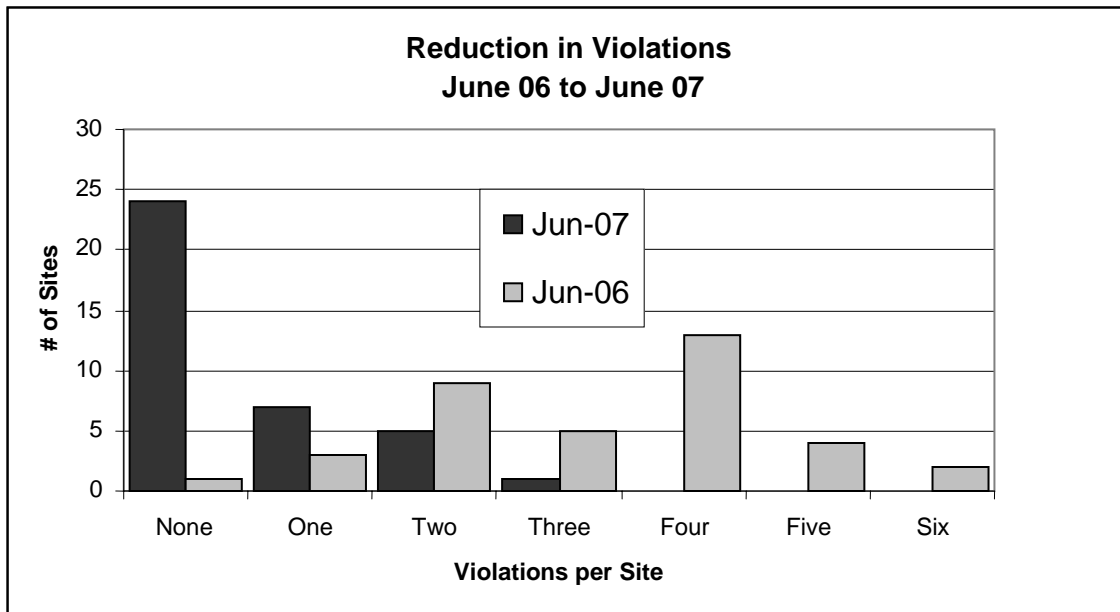
BACKGROUND

An applicant for a demolition and/or building permit is responsible for safe construction site management at all times during the demolition and/or construction process. Thus, the original construction/demolition site management ordinance was drafted in 2003 with the goal of regulation of development and construction activities and protection of neighboring properties. It was based on similar ordinances then in place in Libertyville, Hinsdale, and Northbrook.

Since adoption of the original construction/demolition site management ordinance, the Village Council and staff identified several additional issues for infill development sites. As a result, an amendment to the original ordinance was approved in 2006. The issues addressed by this amendment included:

1. Requiring the applicant to submit and adhere to a parking plan.
2. Requiring the installation of a 6-foot chain link fence around the perimeter of the residential site.
3. Requiring the applicant to post a "Notice of Rules and Regulations" sign.
4. Requiring the applicant to establish and maintain a site management account.
5. Limiting the construction activity to the permitted property.
6. Requiring the installation of a portable toilet and dumpster at specific locations.
7. Providing the Village with the ability to clean the streets and sidewalks if the applicant fails to do so.
8. Establishing fees and fines for certain ordinance violations.

Following the adoption of this amendment, Council requested that staff monitor compliance with the demolition/construction site management ordinance. Staff conducted several random surveys of construction sites in June 2006 and June 2007. Thirty-five to forty construction sites were randomly chosen and inspected for compliance with specific code requirements. Some key results of the surveys are summarized in the table below:



As the table indicates, staff observed a significant decrease in the number of compliance violations per site since June 2006. In an effort to continue this trend of increased compliance rates, staff has drafted a second amendment to the Village's construction/demolition site ordinance. The proposed amendment would:

1. Prohibit structures from demolition until one of the following conditions is met by the applicant (Section 7.11.1 c):
 - The Village has approved the applicant's grading and site restoration plan.
 - An application for construction has been placed on file with the Village and the applicant has been issued an initial review letter.
2. Expand authority to require a written fencing plan for construction activity (Section 7.11.1 c). Currently limited by the ordinance to work "as part of a subdivision or planned development," the amendment would broaden the requirement to include all construction projects in excess of 600 square feet.
3. Allow for the issuance of administrative citations to violators of the demolition/construction site management ordinance (Section 7.11.1 v). Violation of the Village ordinance would result in a citation being issued to the person responsible for the violation, his agent, representative, independent contractor, or employee. In the event the owner, occupant, or contractor cannot be located, a copy of the citation will be posted at the property and mailed to the violator's last known address. The following violations are subject to administrative citation under the amended ordinance:
 - Failure to provide the Village with a site plan, a general explanation of the work to be done, and the name, address and telephone number of the individual supervising the work
 - Failure to provide notification to all residents located within one hundred feet of the construction project
 - Failure to notify all utilities having service connections within the property
 - Failure to obtain approval from the Village of a grading and site restoration plan or having an application for construction placed on file with the Village

- Failure to install a silt fence to contain debris around site
- Failure to install a six-foot high temporary chain link fence around site
- Failure to install fencing to protect trees in the parkway
- Failure to contain debris and refuse on the property in a covered dumpster set a minimum of five feet from the front and side lot line
- Failure to set portable toilets a minimum of five feet from the front and side lot line
- Performing work outside of Village-approved hours of operation
- Trespassing or conducting work outside of the permitted property
- Failure to post “Rules and Regulations” signs
- Excessive noise
- Failure to maintain clean streets and sidewalks around the site
- Blocking pedestrian or vehicular traffic on streets or sidewalks
- Failure to water site to minimize airborne particles
- Openly burning material on-site
- Failure to provide a certificate of insurance to the Village

This amendment would contrast with the Village’s current policy of resolution of ordinance violations through prosecution. The Village’s current prosecution process begins when a violation is witnessed by Village staff. Subsequent to the violation, a “Notice to Appear before the Dupage County Circuit Court is left on-site and a court date is established. If the individual is found guilty of an ordinance violation, he/she will be required to resolve the situation and pay a fine in the amount as determined by the judge. The current prosecution process may take a month or longer to complete.

4. Establish fees and fines for violation of the Village’s demolition/construction site management ordinance (Section 7.11.1 v): Individuals cited for a violation of the construction/demolition ordinance would be subject to a stop work order and a fine of two hundred and fifty dollars (\$250.00) per violation, increasing to five hundred dollars (\$500.00) per day, for every day the violation exists. Applicants would not be eligible for building inspections until all outstanding fines for violations have been paid. The Village would reserve the right to seek the assistance of the Dupage County Circuit Court to ensure compliance with all applicable Village ordinances.
5. Establish fees for the Village installation of required parkway trees (Section 20.401 a. 7): This section currently requires developers of subdivisions to install parkway trees. The amendment would require the owners of subdivisions to pay \$500 per parkway tree to the Village in lieu of installing the parkway trees. The quantities of parkway trees would be determined by the Village Forester. The trees would be planted by the Village.
6. Require the installation of a 6 foot tall chain link fence around existing parkway trees (Section 24.7): The current code requires that developers install a four foot tall fence of unspecified design around existing parkway trees to protect the trees from potential damage from the construction process. The proposed amendment would require that the protective parkway tree fencing be a six foot tall chain link fence.

ATTACHMENTS

Amendment

ORDINANCE NO. _____

**AN ORDINANCE AMENDING
CONSTRUCTION SITE MANAGEMENT PROVISIONS**

BE IT ORDAINED by the Village Council of the Village of Downers Grove in DuPage County, Illinois, as follows: (Additions are indicated by ~~shading~~/underline; deletions by ~~strikeout~~):

Section 1. That Section 1.16 is hereby amended to read as follows:

1.16 Citation and settlement in lieu of prosecution for certain offenses.

(a) Whenever a person is observed violating certain provisions of this code as specified in this section, or there is reasonable suspicion to believe that such a violation has occurred and that a particular person is responsible, the Village may, in lieu of filing a complaint in court, issue to the alleged violator a citation which shall:

- (1) Advise said person that the same has violated a specified ordinance;
- (2) Direct said person to make payment in an amount applicable to said alleged violation as set forth in this section as settlement of said claim;
- (3) Advise said person, where applicable, to cease and/or abate said violation forthwith and to refrain from like violations in the future;
- (4) Inform said person that, upon failure to so settle the claim and to cease and/or abate said violations, a complaint will be filed in the Circuit Court of DuPage County.

(b) Except as provided below, citations as provided herein shall be personally served upon the person responsible for the violation, his agent, representative, independent contractor or employee. In the event the owner, occupant, contractor or other person responsible for the violation cannot be located the citation may be served by posting a copy at the property, structure or vehicle where the violation has occurred and sending a copy by United States mail to the last known address of such person.

(c) Any person served with a citation for violations of the following provisions of the Downers Grove Municipal Code and the Comprehensive Zoning Ordinance of the Village of Downers Grove may settle and compromise the matter in respect of such ordinance violation by ceasing and/or abating said violation and paying the sum of ten dollars (\$10.00) if paid within ten (10) days of service of the citation, or twenty-five (\$25.00) dollars if paid after such ten (10) day period but before filing of a complaint in the Circuit Court of DuPage County.

1. DOWNERS GROVE MUNICIPAL CODE

- (i) Section 5-12; Dog, Horse or Pony Running at Large.
- (ii) Section 5-12.1; Disposal of Dog Excrement.
- (iii) Section 13-43; Storage of Refuse.
- (iv) Section 13-49.1; Placing Garbage on the Parkway for Scavenger Removal.
- (v) Section 13-39; Smoking Prohibited in Certain Places.

2. COMPREHENSIVE ZONING ORDINANCE

- (i) Section 28-1404; Regulating Off-Street Parking.

(d) Any person served with a citation for violations of the following provisions of the Downers Grove Municipal Code, and such other Codes adopted therein, may settle and compromise the matter in respect of such ordinance violation by ceasing and/or abating said violation and paying the sum of twenty-five dollars (\$25.00) if paid within ten (10) days of service of the citation, or fifty dollars (\$50.00) if paid after such ten (10) day period but before filing of a complaint in the Circuit Court of DuPage County.

1. DOWNERS GROVE MUNICIPAL CODE

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(i) Section 25-11; Use of Public Hydrants.
(ii) Section 15-8; Drinking in Public.
(iii) Section 8-99(a)(7); Requirements for Display of Massage Establishment License.
(iv) Section 14-74; Pedestrian's Duties at Railroad Grade Crossings.
(v) Section 15-5.1; Noise Regulations.
(vi) Section 19-21.1; Depositing Snow on Paved Streets.
(vii) Section 13-49.2; Discarding Refuse and Compostable Materials in Streets, etc., prohibited.

2. NATIONAL FIRE PROTECTION ASSOCIATION LIFE SAFETY CODE (As adopted in Section 7-29)

(i) Section 1-3.13.1; Building Equipment Maintenance.
(ii) Section 1-3.13.2; Building Fire Equipment and Systems Maintained in Proper Operating Condition.

3. BUILDING OFFICIALS & CODE ADMINISTRATOR NATIONAL FIRE PREVENTION CODE (As adopted in Section 17-43)

(i) Section F-310.4; Multi-Plug Adaptors.
(ii) Section F-310.5; Extension Cords.
(iii) Section F-518; Portable Fire Extinguishers.

4. COMPREHENSIVE ZONING ORDINANCE

(i) Section 28-1408; Parking of Recreational Vehicles and Recreation Equipment in Residence District.

(e) Any person served with a citation for violations of the following provisions of the Downers Grove Municipal Code, may settle and compromise the matter in respect of such ordinance violation by ceasing and/or abating said violation and paying the sum of fifty dollars (\$50.00) if paid within ten (10) days of service of the citation, or one hundred dollars (\$100.00) if paid after such ten (10) day period but before filing of a complaint in the Circuit Court of DuPage County.

1. DOWNERS GROVE MUNICIPAL CODE

(i) Section 13-35; Open Burning Prohibited.
(ii) Section 15.23; Truancy
(iii) Section 15-28.3; Possession of Telecommunications Devices on Public School Property Prohibited.
(iv) Section 17-45; Parking in Fire Lane.
(v) Section 25-5; Regulations for Water Conservation.

2. DOWNERS GROVE PARK DISTRICT GENERAL USE ORDINANCE (pursuant to an intergovernmental agreement with the Downers Grove Park District)

(f) Any person served with a citation for violations of the following provisions of the Downers Grove Municipal Code, may settle and compromise the matter in respect of such ordinance violation by ceasing and/or abating said violation and paying the sum of seventy-five dollars (\$75.00) if paid within ten (10) days of service of the citation, or one hundred and fifty dollars (\$150.00) if paid after such ten (10) day period but before filing of a complaint in the Circuit Court of DuPage County.

1. DOWNERS GROVE MUNICIPAL CODE

(i) Section 15-23.1; Possession of Tobacco Products by Minors.
(ii) Any provision of Chapter 6, Bicycles.
(iii) Section 19-15.1; Skateboarding, Roller Skating or In-Line Skating in a Business District.

(iv) Section 28-1501.04(8) Real Estate Signs.
(v) Section 28-1501.04(10) Garage/Rummage Sale Signs.

2. NATIONAL FIRE PROTECTION ASSOCIATION LIFE SAFETY CODE (As adopted in Section 7-29)

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(i) Section 2-4; Obstructing Building Exits.

(g) Any person served with a citation for violations of the following provisions of the Downers Grove Municipal Code, may settle and compromise the matter in respect of such ordinance violation by ceasing and/or abating said violation and paying the sum of two hundred fifty dollars (\$250.00) if paid within ten (10) days of service of the citation, or five hundred dollars (\$500.00) if paid after such ten (10) day period but before filing of a complaint in the Circuit Court of DuPage County.

1. DOWNERS GROVE MUNICIPAL CODE

(i) Section 3-25; Sale of Liquor to Certain Persons Prohibited.

(ii) Section 7-11.1 (a), (d), (e), (f) (g), (i), (k), (o), (p); Demolition/Construction

Site Management.

(h) Payment of the citation shall be made at the window at Village Hall, or by depositing payment in the Village drop box or United States mail.

(i) In the event that payment is not made within the time prescribed and a complaint has been filed in the Circuit Court of DuPage County, any person convicted of violating any of the provisions of this code shall be punished by a fine as determined under Section 1-15(a).

(j) The issuance of a citation under this section shall not be deemed a waiver of the power of the Village of Downers Grove to suspend, revoke or refuse to renew any license or permit for cause.

(k) The following Village personnel shall have the authority to issue citations under this section: police officers, fire department inspectors, community development officers, and such other persons as designated by the Village Manager; provided that fire department inspectors shall only write citations for violations of the Life Safety or BOCA Fire Prevention Code, and that the Village Manager, by administrative regulation, may limit the jurisdictional powers of other persons he designates as authorized to issue citations. (Ord. No. 2261, § 4)

Section 2. That Section 7.11.1. is hereby amended to read as follows:

7.11.1. Demolition/Construction Site Management.

An applicant for a demolition and/or building permit ("permit applicant") shall be responsible for safe construction site management during all phases of demolition and/or construction of permitted improvements. The following minimum standards shall be complied with prior to the commencement of work and throughout the duration of the project.

(a) Notification. Each permit applicant that seeks a demolition permit for an existing house or garage or a building permit for any construction that will add six hundred (600) square feet or more of gross floor area to an existing house or garage shall be required to provide notification to all residents of property located within one hundred (100) feet of the subject property. Such notification shall be made no less than seven (7) days prior to the commencement of any work and shall consist of providing the residents with a copy of an informational brochure provided by the Village, disclosure of a site plan, a general explanation of the work to be done, and the name, address and telephone number of the individual supervising the work. Each permit applicant shall submit written certification, on a form provided by the Village, of personal notification to all residents of property located within one hundred (100) feet of the subject property of the pending work as a condition precedent to issuance by the Village of a permit for work on the subject property.

(b) No structure shall be eligible for demolition unless and until the permit applicant has notified all utilities having service connections within or about the structure such as water, electric, gas, sewer, telephone and any other connections. The Village Public Works Department shall be notified to remove the water meter or the Village may give written permission to allow the permit applicant to remove the water meter. The Sanitary District must be notified regarding the capping of sanitary sewers. A permit to demolish a structure shall not be issued until a release is provided by the relevant utilities stating that their respective service connections and appurtenant equipment, such as meters and regulators, have been removed or capped in a safe manner.

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(c) No structure shall be eligible for demolition unless and until the permit applicant has submitted and the Village has approved a grading and site restoration plan or an application for construction has been placed on file with the Village and the applicant has been issued an initial review letter from the Village.

(ed) The permit applicant for demolition and/or construction shall be required to install and maintain in good working order a six (6) foot high temporary chain link construction fence with driven posts around the perimeter of the lot for all residential construction, and an eight (8) foot high temporary chain link construction fence with driven posts around the perimeter of the lot for all commercial construction. For both residential and commercial areas, the fencing must have a gated opening which shall be closed when no construction or demolition activity is being performed on the site. Fencing must be installed prior to the commencement of any construction or demolition on the site and must remain in place until the final grading of the property commences. Erosion control measures (silt fencing) must be installed on the inside of the perimeter fence. The Director of Community Development shall have the authority to determine the fencing requirements, excluding height requirements, and/or to require a written fencing plan for construction activity ~~conducted as part of a subdivision or planned development on a case by case basis~~. The Director shall have the discretion to determine the appropriate timing and location of the fencing requirements in order to adequately protect the health, safety and welfare of the public and the adjacent residential and commercial properties.

(ee) Each tree on the property, including the parkway, must be protected with fencing, and as provided in Section 24-7 of this Code.

(ef) Construction/demolition debris and refuse containment shall be required for all job sites. Containment shall occur on the property that is the subject of the permit, and shall be within a dumpster or container that shall be fully covered to prevent windblown debris. Such dumpster or container shall be set back a minimum of five (5) feet from the front lot line and a minimum of five (5) feet from the side lot line. All such dumpsters or containers shall be covered at all times when no work is being performed on the property that is the subject of the permit. Such dumpster or container shall not be located on public property, including but not limited to, parkways or sidewalks.

(fg) Construction sites shall be provided with a portable toilet. The location of the portable toilet shall be set back as far as possible from all property lines to within three to four feet from the excavation but not less than a minimum of five (5) feet from the front lot line and a minimum of five (5) feet from the side lot line, and whenever possible the portable toilet shall be located in the rear yard. Such portable toilet shall not be located on public property, including but not limited to, parkways or sidewalks.

(gh) The permit applicant shall maintain all construction/demolition sites free and clear of debris and refuse generated by site preparation, reconstruction or demolition of buildings and structures.

(hi) The hours of construction/demolition are as follows:
7:00 a.m. to 7:00 p.m. Monday-Saturday
No Work on Sundays

(ij) All construction work shall be limited to the permitted property. No permit issued pursuant to this Section shall authorize any entry onto the property adjoining the permitted property or any work for which entry onto property adjoining the permitted property is or may be necessary, unless a proper right of entry has been secured from the owner of such property.

(jk) Posted Notice of Rules and Regulations: The applicant shall post on the permitted property in a

Demo Fines

prominent place, visible from the public right-of-way, a sign containing notice of the rules and regulations applicable to demolition and construction work. The applicant shall also post notice of the contractor's name and a phone number of the individual supervising the work. Such sign shall be posted not less than four (4) nor more than seven (7) days in advance of the commencement of work. Such sign shall be maintained on the permitted property until all work on the permitted property has been completed and approved or until removal is requested by the Director. The size, shape and message of such sign shall be established by the Director of Community Development. The sign containing notice of rules and regulations shall be obtained from the Village wherein an administrative fee shall be assessed by the Village.

(~~k~~l) The noise regulations contained in Section 15-5.1 of this Code shall be applicable.

(~~h~~m) The applicant shall cause all dirt, mud, gravel and other debris from the subject property or related to the work conducted on the subject property to be cleaned regularly every day from all streets and sidewalks adjoining or in the area of the subject property.

(~~m~~n) No streets or sidewalks shall be blocked so as to prevent pedestrian or vehicular traffic. Permit applicants must comply with Section 19-44(i) of this Code regarding Traffic Control Procedures and must submit a construction site parking plan outlining the proposed location for all parking of contractor and worker vehicles. All vehicles shall comply with all Village ordinances. The Director of Community Development shall review the construction parking plan and shall either approve the plan as submitted, approve the plan with modifications and/or conditions or deny the plan. The applicant shall adhere to the terms and conditions of the approved construction parking plan. Failure to comply with the terms and conditions of the approved construction parking plan shall constitute a violation of this ordinance.

(~~n~~o) On all demolition sites and construction sites or in any situation where airborne particles may be disbursed, proper watering is required in that airborne particles shall be controlled at the property that is the subject of the permit during work hours by thoroughly saturating all portions of the structure with water. Such spraying shall be undertaken at all times necessary to thoroughly control the creation and migration of airborne particles, including without limitation, dust from the property that is the subject of the permit. The water source for control of airborne particles shall be either (i) a water tanker truck with pump capacity of one hundred (100) gallons per minute at the nozzle or (ii) an approved public water hydrant. Water shall be delivered from the water source to the subject property by a hose with a minimum diameter of 2 ½ inches, which may be reduced to 1 ½ inches when on the property that is the subject of the permit. If a public water hydrant is used, a Village water meter and proper hydrant wrench must be used after acquiring a permit from the Public Works Department in accordance with Chapter 25-11 of the Downers Grove Municipal Code. Any hose leading from a public water hydrant and crossing a driveway, street, alley or other vehicular right-of-way or path must be bridged in a manner sufficient to protect the water system.

(~~o~~p) No open burning is permitted at the demolition/construction site.

(~~p~~q) Permit applicants shall submit written acknowledgment, on a form provided by the Village, of rules for construction/demolition site management.

(~~q~~r) Permit fees shall be paid in the amount set forth in Section 7-11 of this Code.

(~~r~~s) A bona fide certificate of insurance shall be supplied to the Village, showing minimum insurance coverage from an insurance company with at least a B+ rating of five hundred thousand dollars (\$500,000.00) bodily injury, five hundred thousand dollars (\$500,000.00) property damage and statutory coverage for workers compensation. This shall accompany the permit applications. The building official may waive the insurance requirement for minor demolition work.

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(st) A site management cash bond in the amount of five thousand dollars (\$5,000.00) shall be deposited with the Village and shall be kept in a separate account. Such cash bond shall be in addition to all other application and processing fees, costs, escrows, bonds and performance securities required, and stand as security for the full and complete performance by the permit applicant of the work covered by the permit, insuring the initiation of construction in a timely manner and proper management of the site, subject to the following provisions:

(i) The Village shall have the right at all times, at its option, to draw on the site management bond for the costs, including, without limitation, legal fees and administrative expenses incurred or to be incurred by the Village in exercising any of its rights under this Chapter in the event: 1) the applicant undertakes work in violation of any provision of this Chapter or of any permit issued or plan approved pursuant to this Chapter; or 2) the applicant fails or refuses to complete any work authorized by any permit issued under this Chapter in accordance with all plans approved in connection with said permit. The Village's determination of such costs shall be based either on costs actually incurred by the Village or on the Village's reasonable estimates of costs to be incurred.

(ii) If the Village draws on the site management bond, then the applicant shall replenish the bond to the full amount required by this section immediately after demand therefore is made to the applicant in writing by the Village. Any failure of the applicant to replenish the bond shall result in cancellation of the related permit, which permit shall not be reissued thereafter except after the filing of a new application therefore, repayment of the permit fee, and establishment of a new site management bond.

(iii) Upon certification by the building official of the satisfactory completion of the work, the balance of the cash bond shall be refunded to the permit applicant.

(tu) (1) The applicant shall cause the demolition of a structure to be completed with due diligence, in good faith and without delay. The applicant shall notify the Village at least twenty-four (24) hours prior to the commencement of demolition. Once the work commences on the site, the applicant shall continuously pursue completion of the work. If no substantial work is being pursued on the site for thirty (30) consecutive days or more once the work has commenced, then the site shall be deemed abandoned. Once the Village issues a notice of abandonment the applicant shall within ten (10) days from issuance of the abandonment notice either:

(i) commence work on the site and diligently pursue completion of the demolition; or

(ii) restore the property to a final grade and grass seeded condition or commence construction activities pursuant to a valid building permit.

For purposes of this Section, completion of demolition shall be defined as removal of all portions of the structure both above ground and below ground level and restoration of the property to a final grade and grass seeded condition.

(2) Additional fee for late work: If the applicant fails to comply with this Section he/she shall pay a late work fee of two hundred fifty (\$250.00) per day for each day until such work is completed. The Village shall deduct such fee from the site management bond.

(v) Fees and Fines: Failure to comply with the minimum standards will constitute a violation of this Code, subjecting violators to a stop work order and fine of ~~three-hundred~~ fifty dollars (~~\$300.00~~ \$250.00) per violation and increasing to five hundred dollars (\$500.00) per day for every day the violation exists. In addition to any other penalties provided in this Section, the Village Attorney shall have the authority to seek injunctive or other relief in the Circuit Court of DuPage County to enforce and compel compliance with the ordinance of the Village. Such injunctive action may be combined with counts seeking monetary fines as provided herein.

(i) Additional Fee for Street Cleaning. If the applicant shall fail to clean all sidewalks and streets adjoining and in the area of the subject property, then the applicant shall pay a street cleaning fee of three hundred dollars (\$300.00) for each violation. The Village shall deduct such fee from the site

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management bond provided in Section(s). This fee shall be in addition to any fines assessed pursuant to Ordinance.

(Ord. No. 1527, § 1; Ord. No. 2918, § 1.)

Section 3. That Section 20.401. is hereby amended to read as follows:

20.401. Required Public Improvements.

(a) The Owner of a proposed subdivision within the Village's planning jurisdiction shall provide, at the Owner's expense, the following public improvements, in accordance with Village ordinances and specifications:

- (1) Street pavement, including combination curb and gutter.
- (2) Public sidewalks.
- (3) Village water system extensions, including but not limited to water mains and service stubs.

(4) Stormwater management facilities.

(5) Street lighting facilities.

(6) Traffic signals.

(7) Payment for public area vegetation, including but not limited to parkway trees. Payment to the Village shall be required at a cost of \$500.00 per new parkway tree. Parkway tree quantities shall be determined by the Village Forester. The Village Forester shall install the required parkway trees.

(b) The Owner, at the Owner's expense, shall construct and install the required public improvements, including but not limited to all streets with roadway surfacing, of such materials, width and thickness, and in conformity with this Chapter and such design and specifications as shall be required by the Village Engineer. That portion of such specifications that pertains to types of materials, depth of base, depth of pavement and street lighting facilities shall apply to all streets required under this Chapter, whether or not such streets are to be dedicated and accepted as public streets.

Section 4. That Section 24.7. is hereby amended to read as follows:

24.7. Prevention of Injury to Trees-Public Right-of-Way

In the erection, alteration or repair of any building or structure, or the construction, installation, alteration or repair of any street, driveway, sidewalk, or utility, trees in the right-of-way or on any Village owned or maintained property shall be protected from damage or removal unless otherwise authorized by a permit issued by the Public Works Department pursuant to the provisions of Chapter 19. Suitable protection shall include a six (6) foot high temporary chain link construction fence ~~includes fencing which is four (4) feet high and~~ secured to metal posts driven into the ground which are spaced no further than ten (10) feet apart. Tree crowns and trunks shall not suffer any branch or bark loss. Roots shall be protected from compaction, storage of materials, severing, regrading of the parkway or excavation within the Critical Root Zone. It shall be unlawful for any entity or person to sever roots, compact the soil, regrade the parkway or excavate within the critical root zone of any tree in any right-of-way of any street without a valid permit during the erection, alteration or repair of any building or structure, or the construction, installation, alteration or repair of any street, driveway, sidewalk or utility. The critical root zone is defined as the minimum volume of roots necessary for maintenance of tree health and stability, and shall be a rectangle around the tree trunk with the minimum dimensions listed in the table below:

Tree diameter 4.5 feet above ground	Width from street to property (minimum -curb to sidewalk)	Length along street (minimum)	Depth
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0 - 12.0 inches	10 feet	10 feet	4 feet
12.1 - 24.0 inches	10 feet	20 feet	4 feet
24.1 or more inches	10 feet	30 feet	4 feet

Whenever possible, the entire parkway shall be fenced except where access has been permitted. Any factors that would cause any deviations from the table above shall be noted on the permit issued for work in the area and shall be approved by the Village Forester before the work begins or the permit is issued.

In addition to any fines that may be assessed for violation of this section, the person shall pay to the Village a sum equal to the value or partial value of the tree lost as a result of the violation. The value or partial value of the tree lost shall be as determined by the Village Forester using the most current edition of the Guide for Plant Appraisal prepared by the Council of Tree and Landscape Appraisers, and edited, published and copyrighted by the International Society of Arboriculture. Various factors used in the tree value calculations for northern Illinois shall be obtained from the most current edition of the Species Ratings and Appraisal Factors for Illinois prepared by the Illinois Arborist Association.

(R.O. 1925, § 209.)

Section 5. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 6. That this ordinance shall be in full force and effect from and after its passage and publication in the manner provided by law.

Mayor

Passed:

Published:

Attest: _____
Village Clerk