

CHAPTER 3
DISEASED TREES; INFESTED TREES

- 4-3-1: Right to Inspect: The officers, employees, and agents of the Village are hereby authorized and directed to enter on and upon private property whereon there is located any elm trees having the appearance of or suspected of being diseased with *Ceratocystis ulmi*, commonly called the Dutch Elm Disease, ash trees infested with the Emerald Ash Borer (*Agrilus planipennis* Fairmaire), or any tree of the species of oak having the appearance of or suspected of being affected with the fungus *Ceratocystis fagacearum*, commonly called “oak wilt”, and/or any tree having the appearance of or suspected of being infected with conifer bark beetles, all as determined by the Village Arborist, for the purpose of inspecting said suspected tree, and, if necessary, removing therefrom samples or portions thereof to be tested to establish whether said tree is, in fact, diseased or infested.
- 4-3-2: Nuisance Declared: In the event that it is determined by the Village President, or his or her designee, that any tree is, in fact, diseased or infected with the Dutch Elm Disease, infested with the Emerald Ash Borer, affected with oak wilt, or infected with conifer bark beetles, said tree or trees shall forthwith be and are hereby declared to be a nuisance.
- 4-3-3: Duty of Owner/Occupant to Abate: The owner, occupant, or agent of the parcel of land on which exists a diseased elm tree, a tree infested with the Emerald Ash Borer, or any oak tree with oak wilt or infected with conifer bark beetles, shall forthwith remove and destroy said tree and shall chip the same or shall cause the same to be removed, destroyed, and ground, milled, chipped, or otherwise disposed of consistent with the provisions of the applicable state or federal quarantine within ten (10) days of notification to such owner, occupant, or agent that said tree is, in fact, diseased, infected, and/or infested. No chips or other particles resulting from such removal operation shall exceed one inch (1”) in any dimension, unless allowed pursuant to the provisions of any applicable state or federal quarantine. All stumps of such diseased, infected, and/or infested trees shall be removed to a depth of not less than eight inches (8”) below the ground surface and then covered with soil of the same depth. No ash material shall be removed from any quarantine zone as imposed from time to time by any State or federal agency, unless such removal is done consistent with the provisions of the state or federal quarantine. Notwithstanding any other provisions in this Chapter to the contrary, all removal operations for such diseased, infected and/or infested tree(s) shall fully comply with all applicable State and federal statutes and/or regulations as exist from time to time.
- 4-3-4: Notice to Abate: Whenever the owner or occupant of any private property containing a diseased, infected and/or infested tree permits the diseased, infected and/or infested tree to remain on such premises, the Village shall proceed as follows:

- A. A notice shall be sent by registered mail or delivered to the occupant and to the person to whom was sent the tax bill for the general taxes for the last preceding year on the premises.
- B. Such notice shall state that there is an elm tree infected with Dutch Elm Disease or an ash tree infested with the Emerald Ash Borer, or an oak tree affected with oak wilt, or tree infected with conifer bark beetles, on the premises, the notice shall describe the premises by legal description or by street address, and the notice shall state that unless the diseased, infected, or infested tree is removed on or before the date stated in the notice, the diseased, infected, or infested tree shall be removed at the property owner's expense. The date stated in the notice shall be not less than thirty (30) days after the date of delivery or mailing of the notice.
- C. There shall be included with such notice a copy of this Article or the ordinance from which it is derived and a copy of 65 Illinois Compiled Statutes 5/11-20-12.

4-3-5: Abatement By Village; Certain Costs Constitute a Lien: In all cases where the owner, occupant, or agent of the parcel of land on which said diseased, infected, or infested tree is located cannot be found, or if found and notified as aforesaid neglects or refuses to abate said nuisance, it shall be lawful for the Village to abate the same by the removal, destruction, and chipping of said diseased, infected, or infested tree and in that event the said owner, occupant and agent or any of them shall be charged with those expenses which may be incurred by the Village in the removal or abatement of the diseased, infected, or infested tree as aforesaid, which expense shall be collected by the Village by suit or otherwise in addition to the fine or penalty provided. Such expenses incurred for the removal of a tree or trees infected with Dutch Elm Disease or a tree or trees infested with Emerald Ash Borer shall be a lien upon the affected real estate in accordance with 65 Illinois Compiled Statutes 5/11-20-12.

4-3-6: Failure to Remove Tree Prohibited: It shall be unlawful for the owner of any premises in the Village to permit any tree or portion thereof infected with the Dutch Elm Disease or infested with the Emerald Ash Borer, or any tree of the species of oak affected with the fungus *Ceratocystis fagacearum*, commonly called "oak wilt", or any tree infected with conifer bark beetles, all as determined by the Village Arborist, to remain on such premises or anywhere within the Village.

4-3-7: Penalties: Any person, corporation, partnership, association, or other entity who or which violates any of the provisions of this Article B shall be guilty of an offense punishable by a fine of not less than Two Hundred Dollars (\$200.00) nor more than Seven Hundred Fifty Dollars (\$750.00). Each day that any violation of this Article B shall continue shall constitute a separate offense.