

VILLAGE OF BANNOCKBURN

ORDINANCE NO. 2013-22

AS AMENDED BY ORDINANCE NO. 2016-O-22

**AN ORDINANCE ESTABLISHING
REVISED COMPREHENSIVE REGULATIONS
FOR THE PROTECTION, PRESERVATION, PLANTING
AND REGULATION OF TREES AND REPEALING
ORDINANCE NO. 2011-42**

Adopted by the
President and Board of Trustees
of
the Village of Bannockburn
this 11th day of July, 2016

Published in pamphlet form by direction
and authority of the Village of Bannockburn,
Lake County, Illinois
this 12 day of July, 2016

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WHEREAS, the President and Board of Trustees of the Village of Bannockburn desire to amend and restate its comprehensive regulations relating to trees; and

WHEREAS, to this end, the President and Board of Trustees hereby repeal Ordinance No. 2011-42, being "An Ordinance Amending and Establishing Revised Comprehensive Regulations for the Protection, Preservation, Planting and Regulation of Trees" and adopt the amended and restated "Bannockburn Tree Ordinance" as set forth below;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND THE BOARD OF TRUSTEES OF THE VILLAGE OF BANNOCKBURN, LAKE COUNTY, ILLINOIS AS FOLLOWS:

Section 1: SHORT TITLE.

This Ordinance shall be known, cited, and referred to as the Bannockburn Tree Ordinance.

Section 2: INTENT; PURPOSE.

The intent of this Ordinance is, through the preservation, protection, planting and proper maintenance of trees, to:

- (a) aid in the stabilization of valuable top-soil by the prevention of erosion and sedimentation;
- (b) assist in proper storm water runoff and prevent the costs associated with flooding to the greatest extent practicable;
- (c) protect an important link in the hydrologic cycle which trees provide through the transpiring of water and the neutralization of waste that pass through to the ground water table and other aquifers.

- (d) aid in the purification of the air through the removal of harmful carbon dioxide, the generation of oxygen and the precipitation of dust and other airborne pollutants;
- (e) provide a buffer and screen against noise pollution;
- (f) restore as much as possible the denuded soil resulting from construction or grading work which accompanies development;
- (g) provide a haven for birds, insects and other forms of wildlife which are essential to the maintenance of the food chain and which provide assistance in the control of disease-carrying mosquitoes;
- (h) protect and increase property values in a manner that will maintain each individual's enjoyment of his or her property;
- (i) conserve and enhance the Village's physical and aesthetic environment, especially its valuable natural and rural atmosphere;
- (j) provide important psychological benefits to persons within the Village;
- (k) 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;
- (l) reduce energy consumption through the shade and windbreak effect of trees;
- (m) eliminate the existence of trees that pose a threat, danger, or nuisance to the public or to property in the Village; and
- (n) generally protect and enhance the quality of life and the general welfare of the Village;

SECTION 3: AUTHORITY.

In furtherance of the purposes and intent of this Ordinance, the Village intends to employ the powers, methods, and instrumentalities authorized pursuant to the Village's home rule authority pursuant to Article 7, Section 6 of the Illinois Constitution of 1970 and by the Illinois Municipal Code, 65 ILCS 5/1-1-1, *et seq.*, including but not limited to the power to zone, and the power to regulate subdivisions, and to complement the State's interests and values as stated through the enactment of the Illinois Environmental Protection Act, 415 ILCS 5/1-1, *et seq.* and other relevant laws.

SECTION 4: SCOPE, APPLICATION AND ENFORCEMENT.

4.1. General Application; Cumulative Provisions. The provisions of this Ordinance shall apply generally and uniformly to all areas and districts within the Village of Bannockburn, except as provided in Sections 4.2 and 4.3 hereof. The provisions of this Ordinance shall be cumulative with consistent provisions of other ordinances of the Village of

Bannockburn and of the statutes of the State of Illinois and the United States, 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. It is intended in particular that the provisions of this Ordinance shall be applied cumulatively and simultaneously with the provisions of the Bannockburn Zoning Ordinance, the Bannockburn Subdivision Regulations Ordinance, the Bannockburn Building Code, the Bannockburn Storm and Sanitary Sewerage Systems and Facilities Regulations, the Bannockburn Water Systems and Facilities Regulations, and the Bannockburn Plumbing 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.

4.2. Exemptions. The permit requirements set forth in Section 6 below, shall not apply to:

- (a) Trees that the Village Forester has determined have become, or immediately threaten to become, a hazard to persons, property or vegetation and must be destroyed in accordance with Section 9 or 10 below.
- (b) Properties for which a specific landscaping or tree preservation plan has, prior to the effective date of this Ordinance, been approved pursuant to the terms of an annexation agreement, special permit ordinance, or other specific agreement or ordinance applicable to such property.
- (c) Prior Permits issued that are still open and valid.

4.3. Exceptions. The Village Board may authorize exceptions to any of the requirements and regulations set forth in this Ordinance provided that the granting of the exception will not defeat the fundamental purpose and intent of this Ordinance nor be detrimental to the public property in the vicinity of the Subject Property for which the exception is requested.

4.4. Enforcement. The Building Commissioner shall be responsible for the administration and enforcement of this Ordinance.

Section 5: DEFINITIONS.

For the purposes of this Ordinance, the following terms, phrases, words, and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future tense and words in the singular include the plural. The word "shall" is always mandatory and not merely directory. Words not defined herein but defined in the Bannockburn Zoning Code shall have the meanings ascribed to them in the Bannockburn Zoning Code. Other words not defined herein or in the Bannockburn Zoning Code shall have their usual and customary meanings with reference to related ordinances of the Village.

AT-RISK TREE. The term "At-Risk Tree" shall mean any tree or class of trees that the Village Forester identifies as being at risk of a serious infestation or disease that presents a

risk to the overall health of the trees within the Village, or Class 2 or 3 trees that present significant risk to Class 1 trees through overcrowding, disease, or infestation.

BUCKTHORN. "Buckthorn" shall include all species of the plant commonly known as "buckthorn" (Genus: *Rhamnus*), including common buckthorn (*Rhamnus cathartica*), glossy buckthorn (*Rhamnus frangula*), saw-toothed buckthorn (*Rhamnus arguta*), dahurian buckthorn (*Rhamnus davurica*), Japanese buckthorn (*Rhamnus japonica*), and Chinese buckthorn (*Rhamnus utilis*).

BUFFERYARD. "Bufferyard" shall mean any bufferyard area established pursuant to Section 9-107 of the Bannockburn Zoning Code or, if no bufferyard has yet been established on a lot, that area within 25 feet of a side lot line and within 30 feet of a front lot line and rear lot line.

BUFFERYARD TREE. "Bufferyard Tree" shall mean any Tree (regardless of caliper or DBH size) that is located within a Bufferyard.

BUFFERYARD SHRUB. "Bufferyard Shrub" shall mean any Shrub located within a Bufferyard.

BUILDING COMMISSIONER. The term "Building Commissioner" shall mean the Building and Zoning Commissioner of the Village or his duly designated agent or such other person as may from time to time be specifically appointed by the President and Board of Trustees to carry out all or any part of the functions of the Building Commissioner under the Ordinance.

CALIPER. The term "caliper" shall mean the diameter of the trunk of a tree measured at a point: (a) six inches (6") above the ground line for **nursery stock** up to and including four inches (4") in caliper; (b) twelve inches (12") above the ground line for **nursery stock** exceeding four inches (4") in caliper.

CONSERVANCY AREAS. The term "conservancy area" shall mean an area designated on a recorded plat, deed, or covenant to protect the natural features of the area.

CONSTRUCTION ACTIVITY. "Construction Activity" means any manmade change, including without limitation: (a) maintenance of existing structures, paved areas, or utilities, to improved or unimproved real estate; (b) the construction or installation of new, or the enlargement of, existing structures, streets, or utilities; (b) dredging, filling, clearing, drilling, mining, grading, paving, or excavating operations; (c) demolition; and (d) open storage of materials.

DAMAGE. The word "damage" shall mean 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 in writing by the Village Forester.

DESTRUCTION. The words "destruction" and "destroy" shall mean causing the death of a tree through removal, damaging, poisoning, or any other direct or indirect actions resulting in its death, including the demise of any tree on a Subject Property within two years after the later of the completion of Construction Activity on such Subject Property or the issuance of a certificate of occupancy.

DIAMETER BREAST HEIGHT (DBH). The term "diameter breast height (DBH)" shall mean the diameter of the trunk of the tree measured in inches at a point 4.5 feet above ground line. This point of measurement is used for established and mature trees.

GROUND LINE. The term "ground line" shall mean 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.

PERSON. The word "person" shall mean any public or private individual, group, company, firm, corporation, partnership, association, society or any other combination of human beings, whether legal or natural, but shall not include the Village or its employees or officials.

PLANTING SEASON: The periods of April 15 through June 15 and September 1 through November 1 in any calendar year.

REFORESTATION PLAN. The term "reforestation plan" shall mean the written plan submitted in connection with a use change to the village pursuant to this Ordinance providing for the installation or replanting of trees on the Subject Property to replace destroyed trees, subject to such terms and conditions as shall be specified in the plan, as approved by the Village.

ROOT ZONE. The phrase "root zone" shall mean the area enscribed 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 for every inch of diameter breast height.

SHRUB. The word "shrub" shall mean any woody plant, together with its root system, of low height with several stems.

SUBJECT PROPERTY. "Subject Property" shall mean any lot as that term is defined by the Bannockburn Zoning Ordinance which, or any portion of which, is affected by a Use Change.

TREE. "Tree" shall mean 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. Except for Bufferyard Trees, a "Tree" shall not include any such plant with a caliper or DBH of less than two (2) inches. Each tree shall be categorized into

one of three classes as provided in Appendix A to this Ordinance.

TREE PRESERVATION PLAN. The term "tree preservation plan" shall mean a plan that provides all of the detail necessary as may be required by the Building Commissioner or Village Forester to verify how the existing trees and bufferyard shrubs (except those addressed in a reforestation plan), as well as site features, will be preserved and protected in connection with a Use Change.

USE CHANGE. "Use Change" shall mean:

1. any subdivision of property as defined by the Bannockburn Subdivision Regulations Ordinance, as amended;
2. the commencement of any activity pursuant to a variation, amendment, special use, or special use-planned unit development granted in accordance with the provisions of the Bannockburn Zoning Ordinance;
3. the commencement of any activity requiring the issuance of any grading, building, demolition, sewerage, water, plumbing, or other permit (but not a license or certificate) required pursuant to any Village ordinance;
4. any activity involving construction, earth moving, demolition, or vehicular traffic, or any similar activity, occurring within a root zone; or
5. any activity involving the damage or destruction of a tree.

However, a Use Change shall not include activity deemed by the Building Commissioner or the Village Forester to be pruning conducted in accordance with the "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 in writing by the Village Forester.

VILLAGE. The word "Village" shall refer to the Village of Bannockburn.

VILLAGE FORESTER. The term "Village Forester" shall mean an individual trained and experienced in the profession of forestry and approved by the President and Board of Trustees to provide professional and technical forestry advice to the Village and to assist in the administration of this Ordinance.

SECTION 6. TREE AND SHRUB PROTECTION.

6.1 General. The care and protection of trees and shrubs in the Village shall be within the jurisdiction of the Building Commissioner. It shall be the responsibility of the Building Commissioner, with such advice and assistance of the Village Forester as the Commissioner shall deem appropriate, to review plans and permit applications, to make inspections, to make recommendations, and to provide generally for the care and management of trees and shrubs in the Village.

6.2 Conservancy Areas. No alteration of any Conservancy Area shall be permitted without the written approval of the Village President and the Board of Trustees nor, in any case, in violation of any valid covenant or other agreement to conserve or protect the natural features, trees, shrubs, and other wildlife enforceable with respect to any area within the Village.

6.2.5 Bufferyards. No Bufferyard Tree or Bufferyard Shrub shall be removed from a Bufferyard unless a valid tree permit has been issued authorizing such removal. Except as otherwise provided by Section 6.6, the application for such tree permit shall include a Tree Preservation Plan and a Reforestation Plan providing for the preservation, replacement and/or replanting of plant units in the affected Bufferyard in sufficient number and appropriate species to achieve the opacity value required under the "Table of Required Opacity Value" set forth in Section 9-107D1 of the Bannockburn Zoning Code (the "*Opacity Requirements*"); provided, however, that if the affected Bufferyard meets or exceeds the required opacity value as set forth in Section 9-107 of the Zoning Code, notwithstanding the removal of the Bufferyard Trees or Bufferyard Shrubs, as the case may be, the applicant shall only be required to comply with the replacement and replanting obligations of this Ordinance for the removed Trees.

6.3 Tree Permit Requirements.

- (a) Permit Required. No person shall cause a Use Change without there first having been issued a valid tree permit for all Use Changes to be performed or to be caused on the Subject Property. No person shall be entitled to any permit for any activity constituting a Use Change, unless a valid tree permit for such activity shall have first been issued in accordance with this Ordinance. No person shall be entitled to any tree permit unless the Subject Property, upon the issuance of the tree permit, is in strict compliance with the terms and provisions of this Ordinance and the terms and provisions of all other applicable laws, ordinances, rules and regulations of the Village and of all other governments and agencies having jurisdiction.
- (b) Application. Any person desiring a tree permit shall submit a written Application to the Village Clerk on a form provided by the Village Clerk setting forth the following information:
 - (i) Name and address of applicant.
 - (ii) Legal relationship of the applicant to the Subject Property.
 - (iii) Written authorization of the owner of the Subject Property, if applicant is not the owner.
 - (iv) Location of the Subject Property, including street address or legal description.

- (v) Size of the Subject Property.
- (vi) Any recorded plat, deed, or covenant that indicates that all or part of the Subject Property is located within a Conservancy Area.
- (vii) Number, size, species, class, and condition of trees which will be removed or destroyed in the course of the proposed Use Change.
- (viii) Number, size, species, class, and condition of trees which might be damaged or destroyed by the proposed Use Change or any activity taken in connection therewith, and a Tree Preservation Plan setting forth the steps to be taken to prevent such damage or destruction and any necessary remedial action. A Tree Preservation Plan provided in connection with Construction Activity shall incorporate at least the techniques and safeguards set forth in Section 6.4, or shall explain in detail the alternative techniques and safeguards to be employed and the justifications therefor.
- (ix) Location, dimensions and current and proposed use of existing and proposed buildings, structures, paved areas, utility lines and utility and access easements on and adjacent to the Subject Property.
- (x) Rough slope of the Subject Property and whether there have ever been any drainage or storm water run-off problems in connection with the Subject Property.
- (xi) A Reforestation Plan to which the applicant shall agree in writing to implement and complete as a condition of the issuance of the tree permit. The Reforestation Plan shall provide for the replacement and replanting of trees of sufficient number and appropriate species such that (a) the sum of the DBH of all trees in each class that will be destroyed in effecting the proposed Use Change, and (b) the sum of the DBH of all trees that were destroyed by any prior illegal or unauthorized Use Change for which a tree permit was required but not issued, will be equivalent to the sum of the caliper of the trees that are to be planted as follows:
 - (1) For every Class 1 tree removed or destroyed, or to be removed or destroyed, the ratio of DBH removed to Class 1 replacement tree caliper to be planted will be 1:1;
 - (2) For every Class 2 tree removed or destroyed, or to be removed or destroyed, the ratio of DBH removed to Class

1 replacement tree caliper to be planted will be 2:1;

- (3) For every Class 3 tree removed or destroyed, or to be removed or destroyed, the ratio of DBH removed to Class 1 replacement tree caliper to be planted will be 3:1;
- (4) In the event that a Reforestation Plan is approved with Class 2 replacement trees, the ratios in Subsections 6.3(b)
(xi) (a), (b), and (c) shall be, respectively, 1:2, 1:1, and 2:1.
- (5) No Reforestation Plan may provide for Class 3 replacement trees.
- (6) A Reforestation Plan shall provide for diversity among the replacement trees. For any Reforestation Plan requiring more than five replacement trees to be installed, no more than 33% of the replacement trees may be of the same species.

Every Reforestation Plan shall include a table or chart setting forth calculations to demonstrate that the Reforestation Plan satisfies the foregoing requirements, including the classes of trees, mitigation requirements, and species diversity. Every Reforestation Plan shall also include a schedule for the planting of the replacement trees, as well as an agreement to provide for the care and feeding of the newly planted replacement trees for a period of 2 years after installation, which care and maintenance shall in all respects conform to the current standards generally observed by professionals in the forestry, landscaping and landscape architecture professions. Every Reforestation Plan shall be binding upon successors and assigns of the Subject Property.

- (xii) Such other data or information as the Building Commissioner shall deem necessary to permit full and fair consideration of the Application.

The data required by subparagraph (b) (vii) through (b) (xi) may, for purposes of an Application, be submitted in such form, detail and degree of accuracy as may be reasonably feasible without undertaking professional studies and surveys. Every Application shall be accompanied by the Plan Review Fee and the Reforestation Security required by Section 7 of this Ordinance.

- (c) Site Plan. If the Building Commissioner, based on the recommendation of the Village Forester, determines that the Application does not provide sufficient information to enable the Building Commissioner to fulfill his duties under this Ordinance, he may require the submission of a Site Plan of the Subject

Property or of any portion thereof, prepared by qualified professionals, on a topographic map, which shall graphically and accurately show:

- (i) All data and information required by subparagraphs (b) (v) through (b) (xi) above.
 - (ii) Existing and proposed contours.
 - (iii) Critical spot elevations.
 - (iv) Building elevations.
 - (v) Existing and proposed shrubs and landscaping other than trees.
 - (vi) A legend identifying, by number, all existing trees that are on the Subject Property and all proposed trees to be planted on the Subject Property pursuant to the Reforestation Plan. The identifying number shall reference the individual tree's DBH or caliper, species, general condition and proposed disposition.
 - (vii) Detailed specifications for protection of trees during development of the property.
 - (viii) Such other data or information as the Building Commissioner shall deem necessary to permit full and fair consideration of the Application.
- (d) Consultation. Upon submission of an Application, an applicant for a tree permit may consult with the Building Commissioner and/or the Village Forester to determine whether the Application as proposed would comply with this Ordinance and with the current standards generally observed by professionals in the forestry, landscaping and landscape architecture professions. However, in no case shall the results of such consultation be deemed either an approval of any Application or a binding determination that no tree permit is required. Such results shall in no case entitle any applicant to the issuance of a tree permit. The applicant shall be responsible for payment of any costs incurred in providing such consultation services.
- (e) Action on Application. Upon receipt of either the Application or the Site Plan, the Building Commissioner shall direct the Village Forester to visit and inspect the Subject Property as well as contiguous and adjoining lands and to make recommendations concerning the Application. If the Building Commissioner shall, based on the recommendation of the Village Forester, determine that:
- (i) the proposed Use Change will destroy or endanger no more trees than are reasonably necessary to achieve the applicant's objectives,
 - (ii) the Application including the Tree Preservation Plan, Reforestation Plan, the Site Plan, the Plan Review Fee and the Reforestation Security each satisfy the requirements of this Ordinance, and
 - (iii) that the Use Change will result in no undue adverse effect upon the public welfare as expressed in Section 2 of this Ordinance,

then the Application shall be approved and the tree permit shall be issued; otherwise the Application shall be denied or, alternately, it may be approved subject to such conditions as the Building Commissioner shall determine to be necessary to protect the public welfare, achieve the purposes of this Ordinance, and prevent the undue destruction of trees. Notwithstanding anything to the contrary in this Subsection 6.3(e), no tree permit shall be issued in connection with an Application for any Subject Property that has had one or more Reforestation Plans during a five year period involving more than 50 trees or more than 30% of the trees on the Subject Property (whichever is less) unless and until such Application and Reforestation Plan has been reviewed and approved by the Village Board.

- (f) Waiver of Reforestation Plan through Payment of a Fee-In-Lieu. The Building Commissioner may waive or modify any portion of the Reforestation Plan requirements if the Building Commissioner determines that replacing trees at the full replacement rate would:
- (i) result in the unreasonable crowding of trees upon the Subject Property; or
 - (ii) adversely impact the viability of existing trees on the Subject Property; or
 - (iii) not otherwise be consistent with the current standards generally observed by professionals in the forestry, landscaping, and landscape architecture professions.

Upon a determination by the Building Commissioner that an applicant has demonstrated one or more of the above, in lieu of providing replacement trees at the required replacement rate, the Reforestation Plan may be modified to require the applicant to (a) replace the trees at the highest practical replacement rate under the circumstances and (b) pay a tree replacement mitigation fee assessed at the amount of \$150.00 for each one inch caliper of replacement trees that are not being planted on the Subject Property at the full replacement rate that would otherwise be applicable. All tree replacement mitigation fees collected by the Village shall be used to promote the purposes of either planting trees in the Village or performing forestry maintenance activities as recommended by the Village Forester to eliminate or otherwise control diseased trees, damaged trees, trees that are inappropriate or injurious to other trees in the local ecology, or trees that result in overcrowding of trees to the detriment of other healthy trees. Any use of tree replacement mitigation fees for any purpose other than tree replacement must first be expressly approved by the Village Board.

- (g) Waiver or Modification through Zoning or Subdivision Approval. Where a zoning or subdivision approval is so conditioned as to fully accomplish the goals and purposes of this Ordinance, the Board of Trustees may waive or modify the requirements of this Subsection 6.3. Such waiver or modification may be revoked at any time and shall be revoked in the event that any condition imposed pursuant to such approval is violated and such violation persists after reasonable notice to the owner of the property of such violation.

6.4 Construction Activity; Protection and Fencing. The Tree Preservation Plan for any Construction Activity shall provide details to show that the Construction Activity will be planned and performed in such a manner, to such a degree, and with such equipment and personnel, so as to involve the least amount of damage or removal of trees and to comply with the purposes and intent of this Ordinance. Unless the Building Commissioner or Village Forester provides otherwise, protective measures shall be undertaken, including without limitation installation of protective fencing on the site generally at a point not to exceed 20 feet beyond the foundation walls of all buildings and five feet from the edge of hardscape surfaces. Once erected on the Subject Property, the fence shall remain in place, in a full, upright position, until all Construction Activity is completed (including implementation of the Reforestation Plan associated with such Construction Activity, except as expressly provided in such Reforestation Plan). The protective fencing shall be wood, plastic, or chain link fencing, as determined by the Building Commissioner or Village Forester. The fence shall be four feet in height with steel supporting posts 8' to 10' on center. The posts shall be driven into the ground to hold the fence in an upright position throughout construction on the site.

6.5 Buckthorn Removal. Notwithstanding any provisions in this Ordinance to the contrary, any Person wishing to remove Buckthorn from Subject Property within the Village must comply with this Section 6.5.

- (a) The Person wishing to remove Buckthorn must apply for and obtain a Tree Permit as required by Sections 6.3 of this Ordinance prior to the removal of such Buckthorn.
- (b) The Village shall waive any requirement for a Reforestation Plan under Subsection 6.3(b) (xi) and a Fee-In-Lieu under Subsection 6.3(f) if:
 - (i) the Buckthorn being removed is not within the Bufferyard; or
 - (ii) the Subject Property continues to meet the Opacity Requirements after the removal of the Buckthorn,
- (c) If the Buckthorn being removed is within the Bufferyard and the Subject Property will no longer meet the Opacity Requirements upon the removal of such Buckthorn, the owner of the Subject Property shall be required:
 - (i) to submit for Village approval a Reforestation Plan identifying plantings that will bring the Subject Property into compliance with the Opacity Requirements; and
 - (ii) to plant within two years of the date of the issuance of the Tree Permit (the "*Fallow Period*") plantings in accordance with the approved Reforestation Plan that will be maintained and cause the Subject Property to comply with the Opacity Requirements within five years.

- (d) To ensure timely implementation of the Reforestation Plan after the Fallow Period, the Village shall record against the title of the Subject Property a notice (the "***Reforestation Notice***") that:
 - (i) sets forth the property owner's obligation to install the plantings in conformance with the approved Reforestation Plan and Opacity Requirements;
 - (ii) states that failure to comply with the Reforestation Plan will subject the then-owner of the Subject Property to fines; and
 - (iii) states that a release of the Reforestation Notice will be filed upon the completion of plantings under the Reforestation Plan.
- (e) If the Fallow Period expires and the Subject Property is not in compliance with the Reforestation Plan, the Reforestation Notice will remain recorded against the Subject Property, and the then-owner of the Subject Property will be subject to the applicable fine provisions of the Village Ordinances.
- (f) If the plantings required by the Reforestation Plan have been successfully completed on the Subject Property and approved by the Village within the Fallow Period, the Village will record a release of the Reforestation Notice with respect to the Subject Property.
- (g) All recording expenses arising under this Section 6.5 shall be at the expense of the Person seeking removal of Buckthorn.

6.6 Removal of Dead, Dying, or Hazardous Trees or Shrubs. Notwithstanding any provisions in this Ordinance to the contrary, any Person wishing to remove any tree or shrub that is dead or dying due to disease or insect infestation or that is otherwise hazardous due to natural conditions or *force majeure* from Subject Property within the Village may obtain a permit pursuant to, and thereafter must comply with, this Section 6.6.

- (a) The Person wishing to remove one or more trees or shrubs that are dead or dying due to disease or insect infestation or that are otherwise hazardous due to natural conditions or *force majeure* must apply for and obtain a Tree Permit as required by Sections 6.3 of this Ordinance prior to the removal of any such tree or shrub.
- (b) In connection with a Tree Permit issued under this Section 6.6, the Village Manager shall waive any requirement for a Tree Preservation Plan or Reforestation Plan under Subsection 6.3(b)(xi) and a Fee-In-Lieu under Subsection 6.3(f) if the Village Forester certifies that the tree or shrub to be removed is dead or dying as a result of disease or insect infestation or that is otherwise hazardous due to natural conditions or *force majeure*.

- (c) Notwithstanding the provisions of Section 6.6(b), if the tree or shrub to be removed pursuant to a Tree Permit issued under this Section 6.6 was planted on a zoning lot located in any zoning district other than the A or B District:
 - (i) Pursuant to an approved Reforestation Plan or Tree Preservation Plan;
 - (ii) In connection with the establishment of a required bufferyard pursuant to Section 9-107 of the Bannockburn Zoning Code; or
 - (iii) To satisfy a requirement or condition of a zoning permit or approval, annexation agreement, Architectural Review Commission approval, or other specific agreement, ordinance, permit, or approval applicable to the Subject Property;

(collectively “Plan or Approval”) then the permittee shall be required to replace the tree or shrub to the extent required by, and in accordance with, such Plan or Approval.

- (d) Notwithstanding the provisions of Section 6.6(b), if the tree or shrub to be removed pursuant to a Tree Permit issued under this Section 6.6 was planted on a zoning lot located in the A or B District and such tree or shrub was originally required in connection with a specific approval of the Board of Trustees, then the permittee shall be required to replace the tree or shrub to the extent required by, and in accordance with, such approval of the Board of Trustees.

SECTION 7: FEE AND SECURITY.

- (a) Plan Review Fee. Every Application submitted pursuant to Subsection 6.3(b) of this Ordinance shall be accompanied by a non-refundable Plan Review Fee of fifty dollars (\$50.00) for ordinary review of the Application and a non-refundable twenty-five dollars (\$25.00) Application fee. Notwithstanding the requirements of subsection 6.3(e), where the Building Commissioner determines that the (a) Use Change is of such a limited and minor nature that does not warrant referral to the Village Forester or (b) tree being reviewed is dead and/or hazardous, any Plan Review Fee submitted with the Application shall be refunded. In addition, where the nature of the Application requires additional professional review by the Village Forester, the Village Engineer, the Village Attorney, or another consultant, an additional non-refundable Plan Review Fee equal to the actual cost to the Village of securing such review shall be charged to and paid by the applicant.
- (b) Reforestation Security.
 - (i) Authorized Security. In addition to the aforesaid Plan Review Fee, every Application submitted pursuant to Subsection 6.3(b) of this

Ordinance shall be accompanied by a Reforestation Security. The Reforestation Security shall consist of either a cash deposit to be held in escrow by the Village Treasurer, an irrevocable letter of credit issued by a lender authorized to issue such letter by any state or by the United States, or such other form of security approved by the Building Commissioner, who may consult with the Forester about the full implementation of the Reforestation Plan, as determined by the Building Commissioner.

- (ii) Amount. The amount of the Reforestation Security shall be determined by the Building Commissioner, who may consult with the Village Engineer or the Village Forester, and shall be equal to the total estimated cost of strictly complying with and fully implementing the Reforestation Plan, with an allowance for inflation and/or interest if any is applicable. In furtherance of this provision, the owner of the Subject Property shall cause a cost estimate or signed contractor proposal to accompany the Reforestation Plan as a reference to the Village for determining the appropriate Reforestation Security.
 - (iii) Administration. If at any time the Building Commissioner shall determine that the applicant has neglected or refused to comply with or implement the Reforestation Plan, the Building Commissioner is authorized to perform or to cause to be performed such work as he or she shall deem necessary to insure strict compliance with and full implementation of the Reforestation Plan and to deduct, liquidate, or apply an amount equivalent to the actual costs of such work from the Reforestation Security. Upon completion of the Reforestation Plan, the Reforestation Security, or any remainder thereof, shall be returned or released to the applicant.
- (c) Fee Adjustments. The fees set forth in this Ordinance [including without limitation the fees set forth in Subsections 6.3(f) and 7(a)] may be increased pursuant to an annual fee ordinance approved by the Village Board without requiring an express amendment to this Ordinance, and any such increased fee shall control over the fees herein set forth.

SECTION 8: GENERAL PLANTING REGULATIONS.

Any tree or shrub required to be planted under a Reforestation Plan or as a condition of approval pursuant to this Ordinance shall conform to the latest edition of American Standard For Nursery Stock as approved by the American Standards Institute, Inc. and currently issued as

ANSI Z60.1-2004. Unless otherwise authorized by the Village Forester, the installation of replacement trees under a Reforestation Plan shall occur only during a planting season. If the installation of replacement trees under a Reforestation Plan occurs outside a planting season, the two year warranty period referenced in Section 6.3(b)(xi), shall begin at the

beginning of the next planting season.

SECTION 9: DANGEROUS AND DISEASED TREES.

9.1 General Maintenance. Every property owner shall maintain the trees and shrubs on his property and on the parkways abutting his property in a safe and healthy manner; shall keep trees and shrubs properly watered, trimmed, pruned, sprayed, treated and preserved so as to avoid disease, insect infestation, or other conditions detrimental to such trees and to avoid hazards to persons, property, and other vegetation; and shall remove trees and shrubs on his property that are so unsafe, unhealthy, diseased, or insect-infested as to constitute a hazard to persons, property or other vegetation.

9.2 Obstructions and Other Dangerous Conditions.

- (a) Every owner or occupant of any house, building, lot, or premises in the Village shall keep trees, shrubs, vines, and other vegetation located on his property trimmed and maintained so as to prevent or remove the following conditions:
- (i) Any tree which is dead, dangerous, or likely to fall or that is so unsafe, unhealthy, diseased, or insect-infested (including without limitation ash trees infested with the emerald ash borer and pine trees impacted with pine wilt) as to constitute a hazard to persons, property or other vegetation;
 - (ii) The obstruction of any street, pedestrian path, or designated Village bridle path to any extent which interferes with free passage and clear view along such streets and paths and at any street or driveway intersection;
 - (iii) The obstruction of any sewer, drainage way, or septic field;
 - (iv) The dangerous proximity of any tree or other vegetation to public utility lines; and
 - (v) The interference with any existing or proposed public improvement.

Said conditions are hereby declared to be public nuisances and any tree or other vegetation located on private property which is allowed to grow in violation of the foregoing paragraphs shall be deemed to be a weed subject to fine and abatement by the Village as provided by state statute.

- (b) Whenever any person whose duty it is to keep any tree or other vegetation trimmed or cut as provided in the preceding subparagraph shall fail to do so, the Building Commissioner shall cause written notice to be served upon such person requiring such person to perform the work within 30 days

following mailing or personal delivery of such notice. Such notice shall also notify the owner that, unless the required work is done within such 30 day period, the Village will proceed with the work, assess the cost thereof against the owner, and impose a lien for such cost on the affected property.

- (c) The notice referred to in subparagraph (b) above shall be personally served or sent by registered mail to the person to whom was sent the last preceding general tax bill for the property upon which the tree or trees affected is or are located, and a copy of said notice shall be mailed to the owner or occupant of such property.
- (d) Within 30 days following delivery or mailing of the notice described in the preceding subparagraph, the owner of the property shall cause the nuisance to be removed or remedied. If the owner or occupant shall neglect or refuse to trim or maintain the trees or other vegetation as required by the notice, the Village shall promptly cause the removal or remedy of the nuisance by Village employees or contractors. If the Village shall so cause the removal or remedy of any such nuisance, all direct and indirect expenses incurred in connection therewith, including the costs of collection shall be assessed against the property owner. In the event such expenses are not paid upon billing, the Village Clerk, not later than 60 days after performance of the work, shall file a notice of lien against such property for the amount of such expenses in the manner provided by statute.

9.3 Dutch Elm Disease.

- (a) Trees of all species and varieties of elm, zelkova, and planera infected with the fungus *Ceratostomella ulmi*, as determined by the Village Forester, are hereby declared to be public nuisances. Trees or parts thereof of elm, zelkova, or planera in a dead or dying condition that may serve as breeding places for the European elm bark beetle, *scolytus multistriatus*, are hereby declared to be public nuisances. It shall be unlawful for any person to keep, maintain, or possess on any property in the Village any tree of the type described in this subparagraph.
- (b) Whenever a public nuisance described in the preceding subparagraph is found to exist, the Building Commissioner shall cause notice of such nuisance to be served upon the owner of the property where the nuisance is found requiring such person to remove or remedy the same within 30 days following mailing or personal delivery of such notice. Such notice shall also notify the owner that, unless such nuisance is removed or remedied within such 30 day period, the Village will proceed with the removal or remedy of such nuisance, assess the cost thereof against such property owner, and impose a lien for such cost on the affected property. The notice shall also include a copy of 65 ILCS 5/11-20-12 and shall identify the property, by common description, and the tree or trees affected.

- (c) The notice referred to in subparagraph (b) above shall be personally served or sent by registered mail to the person to whom was sent the last preceding general tax bill for the property upon which the tree or trees affected is or are located, and a copy of said notice shall be mailed to the owner or occupant of such property.
- (d) Within 30 days following delivery or mailing of the notice described in the preceding subparagraph, the owner of the property shall cause the nuisance to be removed or remedied. If the owner or occupant shall neglect or refuse to remove or remedy such nuisance as required by the notice, the Village shall promptly cause the removal or remedy by Village employees or contractors. If the Village shall so cause the removal or remedy of any such nuisance, all direct and indirect expenses incurred therewith, including the cost of collection shall be assessed against the property owner. In the event such expenses are not paid upon billing, the Village Clerk, not later than 60 days after performance of the work, shall file a notice of lien against said property for the amount of such expenses in the manner provided by statute.

9.4 At-Risk Tree Removal. Any Subject Property that includes at-risk trees (including without limitation American Elm and Ash trees with a Class 3 rating) may receive a tree permit for the removal of such at-risk trees to avoid the spread of disease or infestation. Unless a permit is secured under Section 6.6 of this Ordinance, and notwithstanding any other provision in this Ordinance to the contrary, a tree permit for the removal of at-risk trees may be issued based upon a Reforestation Plan that provides for:

- (a) The removal of the at-risk trees over a period of time and the prompt planting of replacement trees pursuant to a schedule approved as part of the Reforestation Plan that will minimize the effects of deforestation and visual impact to the forested appearance of the Subject Property and its environs;
- (b) Depending on the caliper of replacement trees, the caliper inches to be replaced may be reduced from the requirements set forth in Subsection 6.3(b) (xi) of this Ordinance.

Any tree permit and Reforestation Plan (including an implementation schedule) under this Section 9.4 shall be subject to the review and approval of the Village Board.

9.5 Inspections. The Building Commissioner shall, on a regular basis, and the Village Forester shall, at the direction of the Village Board, or the Building Commissioner, conduct such inspections and surveys as necessary to determine the existence, nature, and extent of violations of this section and shall report the results of such inspections and surveys to the Village Board.

9.6 Village Owned Trees. Notwithstanding anything in this Section 9 to the contrary, all species and varieties of elm, zelkova, and planera infected with the fungus

Ceratostomella ulmi located on Village-owned property, and trees on Village-owned property meeting any of the criteria set forth in Subsections 9.2(a) (i-v) of this Ordinance shall not be deemed a nuisance, but such trees shall be subject to removal at the expense of the Village.

SECTION 10: EMERGENCIES.

In case of emergencies involving, but not limited to, tornadoes, windstorms, floods, freezes, or other natural disasters, the requirements of this Ordinance may be waived by the Building Commissioner, the Village Engineer, the Village Forester or the Village President.

SECTION 11: APPEALS.

Appeals from any decision of or notice issued by the Building Commissioner pursuant to this Ordinance may be taken by the applicant or any other person adversely affected by such decision. Such appeals shall be taken to the Board of Trustees by filing a written notice of appeal with the Village Clerk within ten days following the decision of the Building Commissioner or the date of the notice. The Board of Trustees shall review the Application and any other evidence or documents, and may hear and receive new evidence, and shall render a decision on such appeal. The filing of an appeal from a Section 9 notice shall stay enforcement thereof unless the Village Forester shall make a written finding that such stay would present an undue threat to persons or property in the Village.

SECTION 12: PENALTIES; PERMIT REVOCATION AND EXPIRATION.

12.1 Any person who neglects or refuses to comply with or assists in the violation of any of the provisions of this Ordinance, or any order, permit, or notice issued pursuant to it, shall be fined not less than twenty-five dollars (\$25.00) nor more than seven hundred fifty dollars (\$750.00). Each day such violation continues shall constitute a separate offense. Each tree to which a violation relates shall constitute a separate offense.

12.2 Any permit issued under this Ordinance may be revoked or suspended if the permit holder violates the terms of the permit or any other provision of this Ordinance. Unless otherwise approved as part of an implementation schedule included in the Reforestation Plan, each tree permit shall expire automatically if the Use Change authorized by the permit is not commenced within 180 days after its issuance, or is not completed within one year after its issuance. The Building Commissioner may, upon application of the permit holder, grant reasonable extensions of time for commencement or completion of such Use Change.

SECTION 13: TREE COMMISSION

The Village Architectural Review Commission shall serve as the Bannockburn Tree Commission. The duties of the Tree Commission shall be to:

- (a) Advise the Village Board on issues relevant to this Ordinance.

- (b) Annually evaluate performance under this Ordinance.
- (c) Provide leadership in the development of understanding of the objectives and methods of the tree program.
- (d) Assist the Building Commissioner in the development and maintenance of technical specifications and guidelines to aid in the administration and enforcement of this Ordinance.
- (e) Make recommendations from time to time for revising and updating this Ordinance.
- (f) Undertake such other duties or responsibilities as the Board of Trustee may find appropriate to advance the purposes for which this ordinance is adopted.

SECTION 14: REPEALER; SEVERABILITY.

14.1 Except with respect to tree permit applications submitted before November 12, 2013, the Bannockburn Tree Ordinance as approved by Village of Bannockburn Ordinance No. 2011- 42 (the "*Prior Tree Ordinance*") is hereby repealed in its entirety and replaced by this Ordinance, including Appendix A attached hereto. Any tree permit application submitted before November 12, 2013 shall be subject to the Prior Tree Ordinance.

14.2 The provisions of this Ordinance are severable. If any provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severed without further action of the Village Board, and such holding shall not affect the validity of the remaining provisions of this Ordinance.

SECTION 15: APPLICATION AND EFFECTIVE DATE.

This Ordinance shall apply to all tree permit applications which have been submitted after November 12, 2013. This Ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

PASSED THIS 11th DAY OF JULY, 2016.

AYES: (4) Trustees Ansani, Boyle, Herrmann, and Korner

NAYS: (0)

ABSENT: (2) Trustees Lackner and Martin

ABSTAIN: (0)

APPROVED THIS 11th DAY OF JULY, 2016.

Village President

ATTEST:

Village Clerk

APPENDIX A

Tree Classifications

For purposes of the Bannockburn Tree Ordinance, all trees in the Village shall be classified as either Class 1, Class 2, or Class 3 trees. Such classification shall be based on the rating of the tree species as set forth in the following table. To the extent that a tree is not listed in this Appendix A, the Building Commissioner (in consultation with the Village Forester) may assign on a case-by-case basis a class for any such tree species, which assignment shall be set forth in writing, signed by the Building Commissioner, and delivered to the Village Clerk for inclusion as an addendum to Appendix A.

For purposes of determining a tree classification, Class 1 trees shall have a rating of 70-100; Class 2 trees shall have a rating of 50-69; and Class 3 trees shall have a rating of under 50.

TREE SPECIES	SPECIFICATIONS	RATING
<i>Abies concolor</i> , White or Concolor Fir		80
<i>Acer campestre</i> , Hedge or Field Maple		70
<i>Acer ×freemanii</i> , Freeman Maple		70
<i>Acer ginnala</i> , Amur Maple		70
<i>Acer griseum</i> , Paperbark Maple		70
<i>Acer miyabei</i> , Miyabe Maple		80
<i>Acer negundo</i> , Boxelder	Male	40
<i>Acer negundo</i> , Boxelder	Female	20
<i>Acer nigrum</i> , Black Maple		80
<i>Acer palmatum</i> , Japanese Maple		50
<i>Acer platanoides</i> , Norway Maple	Species	60
<i>Acer platanoides</i> , Norway Maple	Improved Cultivars	70
<i>Acer pseudoplatanus</i> , Sycamore Maple		50
<i>Acer rubrum</i> , Red or Swamp Maple	Species	60
<i>Acer rubrum</i> , Red or Swamp Maple	Improved Cultivars	70
<i>Acer saccharinum</i> , Silver Maple	Species	50
<i>Acer saccharinum</i> , Silver Maple	Improved Cultivars	50
<i>Acer saccharum</i> , Sugar Maple	Species	80
<i>Acer saccharum</i> , Sugar Maple	Improved Cultivars	90
<i>Acer tataricum</i> , Tartarian Maple		70
<i>Acer triflorum</i> , Three-Flowered Maple		80
<i>Acer truncatum</i> , Purpleblow Maple		70
<i>Aesculus ×carnea</i> , Red Horsechestnut		60
<i>Aesculus glabra</i> , Ohio or Fetid Buckeye		70
<i>Aesculus hippocastanum</i> , Common Horsechestnut		60
<i>Aesculus octandra (flava)</i> , Yellow Buckeye		70

<i>Aesculus pavia</i> , Red Buckeye		70
<i>Ailanthus altissima</i> , Tree of Heaven	Male	40
<i>Ailanthus altissima</i> , Tree of Heaven	Female	20
<i>Albizia julibrissin</i> , Mimosa or Silk Tree		0
<i>Alnus glutinosa</i> , European Black Alder		70
<i>Alnus incana</i> , White Alder		70
<i>Alnus rugosa</i> , Speckled Alder		70
<i>Amelanchier</i> , Serviceberry		70
<i>Asimina triloba</i> , Common Pawpaw		50
<i>Betula alleghaniensis (lutea)</i> , Yellow Birch		50
<i>Betula lenta</i> , Sweet Birch		60
<i>Betula nigra</i> , River or Red Birch		70
<i>Betula papyrifera</i> , Paper Birch		40
<i>Betula pendula</i> , European White Birch		30
<i>Betula platyphylla</i> 'Whitespire Senior', Japanese Whitespire Birch		60
<i>Betula populifolia</i> , Gray Birch		50
<i>CarPinus betulus</i> , European Hornbeam		70
<i>CarPinus caroliniana</i> , American Hornbeam (Blue Beech)		70
<i>Carya cordiformis</i> , Bitternut Hickory		70
<i>Carya illinoensis</i> , Pecan		60
<i>Carya ovata</i> , Shagbark Hickory		70
<i>Carya tomentosa</i> , Mockernut Hickory		60
<i>Castanea dentata</i> , American Chestnut		20
<i>Castanea mollissima</i> , Chinese Chestnut		60
<i>Catalpa bignonioides</i> , Southern Catalpa		40
<i>Catalpa ovata</i> , Chinese Catalpa		50
<i>Catalpa speciosa</i> , Northern or Western Catalpa		50
<i>Celtis laevigata</i> , Sugar Hackberry		30
<i>Celtis occidentalis</i> , Common Hackberry		80
<i>Cercidiphyllum japonicum</i> , Katsura Tree		70
<i>Cercis canadensis</i> , Redbud		70
<i>Chionanthus virginicus</i> , Fringetree		70
<i>Cladrastis lutea (kentukea)</i> , Yellowwood		60
<i>Cornus alternifolia</i> , Pagoda Dogwood		70
<i>Cornus florida</i> , Flowering Dogwood		30
<i>Cornus kousa</i> , Kousa Dogwood		50
<i>Cornus mas</i> , CornelianCherry Dogwood		80
<i>Cornus officinalis</i> , Japanese Cornel Dogwood		70
<i>Corylus colurna</i> , Turkish Filbert		80
<i>Cotinus coggygria</i> , Common Smoke Tree		60
<i>Cotinus obovatus</i> , American Smoke Tree		70
<i>Crataegus crus-galli</i> , Cockspur Hawthorn		80
<i>Crataegus laevigata</i> , English Hawthorn		40

<i>Crataegus mollis</i> , Downy Hawthorn		50
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<i>Crataegus phaenopyrum</i> , Washington Hawthorn		70
<i>Crataegus punctata</i> , Dotted Hawthorn		50
<i>Crataegus ×lavallei</i> , Lavalley Hawthorn		60
<i>Crataegus 'Vaughn'</i> , Vaughn Hawthorn		60
<i>Crataegus viridis</i> 'Winter King', Winter King Hawthorn		70
<i>Diospyros virginiana</i> , Common Persimmon	Male	50
<i>Diospyros virginiana</i> , Common Persimmon	Female	30
<i>Elaeagnus angustifolia</i> , Russian-Olive		40
<i>Eucommia ulmoides</i> , Hardy Rubber Tree		50
<i>Fagus grandifolia</i> , American Beech		60
<i>Fagus sylvatica</i> , European Beech		70
<i>Fraxinus americana</i> , White Ash	Species	20
<i>Fraxinus americana</i> , White Ash	Improved Cultivars	20
<i>Fraxinus excelsior</i> , European Ash		20
<i>Fraxinus pennsylvanica</i> , Green Ash	Species	20
<i>Fraxinus pennsylvanica</i> , Green Ash	Improved Cultivars	20
<i>Fraxinus quadrangulata</i> , Blue Ash		20
<i>Ginkgo biloba</i> , Ginkgo	Male	90
<i>Ginkgo biloba</i> , Ginkgo	Female	60
<i>Gleditsia triacanthos</i> , Honeylocust		30
<i>Gleditsia triacanthos f. inermis</i> , Thornless Honeylocust		80
<i>Gymnocladus dioica</i> , Kentucky Coffee tree	Male	80
<i>Gymnocladus dioica</i> , Kentucky Coffee tree	Female	60
<i>Halesia carolina</i> , Carolina Silverbell		70
<i>Ilex opaca</i> , American Holly		40
<i>Juglans cinerea</i> , Butternut		30
<i>Juglans nigra</i> , Black Walnut		50
<i>Juniperus chinensis</i> , Chinese Juniper		80
<i>Juniperus virginiana</i> , Eastern Red Cedar		70
<i>Koelreuteria paniculata</i> , Golden Raintree		50
<i>Larix decidua</i> , European Larch		60
<i>Larix kaempferi</i> , Japanese Larch		60
<i>Larix laricina</i> , American Larch		50
<i>Liquidambar styraciflua</i> , Sweetgum		50
<i>Liriodendron tulipifera</i> , Tuliptree		60
<i>Maclura pomifera</i> , Osage-Orange	Male	60
<i>Maclura pomifera</i> , Osage-Orange	Female	40
<i>Magnolia acuminata</i> , Cucumbertree Magnolia		70
<i>Magnolia grandiflora</i> , Southern Magnolia		0
<i>Magnolia kobus</i> , kobus Magnolia		50
<i>Magnolia ×loebneri</i> , Loebner Magnolia	Improved Cultivars	60
<i>Magnolia ×soulangiana</i> , Saucer Magnolia		60
<i>Magnolia virginiana</i> , Sweetbay Magnolia		40



<i>Malus</i> , Crabapple	Superior Cultivars	80
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<i>Malus</i> , Crabapple	Inferior Cultivars	60
<i>Metasequoia glyptostroboides</i> , Dawn Redwood		50
<i>Morus alba</i> , White Mulberry	Male	50
<i>Morus alba</i> , White Mulberry	Female	30
<i>Morus rubra</i> , Red Mulberry	Male	50
<i>Morus rubra</i> , Red Mulberry	Female	30
<i>Nyssa sylvatica</i> , Sourgum (Black Tupelo)		70
<i>Ostrya virginiana</i> , Ironwood (Hophornbeam)		80
<i>Oxydendrum arboreum</i> , Sourwood		30
<i>Paulownia tomentosa</i> , Paulownia (Princess Tree)		30
<i>Phellodendron amurense</i> , Amur corktree	Male	70
<i>Phellodendron amurense</i> , Amur corktree	Female	50
<i>Picea abies</i> , Norway Spruce		70
<i>Picea engelmannii</i> , Engelmann Spruce		60
<i>Picea glauca</i> , White Spruce		70
<i>Picea glauca</i> var. <i>Densata</i> , Black Hills Spruce		70
<i>Picea omorika</i> , Serbian Spruce		70
<i>Picea pungens</i> , Colorado Spruce		70
<i>Pinus banksiana</i> , Jack Pine		50
<i>Pinus bungeana</i> , Lacebark Pine		70
<i>Pinus cembra</i> , Swiss Stone Pine		70
<i>Pinus echinata</i> , Short Leaf Pine		10
<i>Pinus flexilis</i> , Limber Pine		70
<i>Pinus nigra</i> , Austrian or Black Pine		50
<i>Pinus peuce</i> , Balkan or Macedonian Pine		70
<i>Pinus ponderosa</i> , Ponderosa Pine		60
<i>Pinus resinosa</i> , Red Pine		50
<i>Pinus strobiformis</i> , Southwestern White Pine		70
<i>Pinus strobus</i> , Eastern White Pine		70
<i>Pinus sylvestris</i> , Scotch Pine		40
<i>Pinus wallichiana</i> , Himalayan White Pine		70
<i>Platanus ×acerifolia</i> , London Planetree		60
<i>Platanus occidentalis</i> , Sycamore		50
<i>Populus alba</i> , White or Silver Poplar		30
<i>Populus deltoides</i> , Cottonwood	Male	50
<i>Populus deltoides</i> , Cottonwood	Female	30
<i>Populus euroamericana</i> , Hybrid Poplar		50
<i>Populus grandidentata</i> , Bigtooth Aspen		50
<i>Populus nigra</i> 'Italica', Lombardy Poplar		20
<i>Populus tremuloides</i> , Quaking Aspen		50
<i>Prunus americana</i> , Wild Plum		50
<i>Prunus armeniaca</i> var. <i>mandshurica</i> , Manchurian Apricot		50
<i>Prunus avium</i> , Sweet Cherry		40
<i>Prunus cerasifera</i> , Purple Leaf Plum		40

<i>Prunus maackii</i> , Amur Choke Cherry		60
<i>Prunus padus</i> , European Bird Cherry		40
<i>Prunus pensylvanica</i> , Pin Cherry		40
<i>Prunus persica</i> , Common Peach		30
<i>Prunus sargentii</i> , Sargent Cherry		70
<i>Prunus serotina</i> , Black Cherry		50
<i>Prunus serrulata</i> , Japanese Flowering Cherry		30
<i>Prunus subhirtella</i> var. <i>pendula</i> , Weeping Cherry		30
<i>Prunus virginiana</i> , Choke Cherry		40
<i>Psuedotsuga menziesii</i> , Douglasfir		80
<i>Pyrus calleryana</i> , Callery Pear	Superior Cultivars	80
<i>Pyrus calleryana</i> , Callery Pear	Inferior Cultivars	60
<i>Quercus alba</i> , White Oak		90
<i>Quercus acutissima</i> , Sawtooth Oak		60
<i>Quercus bicolor</i> , Swamp White Oak		80
<i>Quercus coccinea</i> , Scarlet Oak		70
<i>Quercus ellipsoidalis</i> , Hill's or Northern Pin Oak		70
<i>Quercus falcata</i> , Southern Red Oak		30
<i>Quercus falcata</i> var. <i>pagodaefolia</i> , Cherrybark Oak		30
<i>Quercus imbricaria</i> , Shingle Oak		70
<i>Quercus macrocarpa</i> , Bur Oak		90
<i>Quercus marilandica</i> , BlackJack Oak		30
<i>Quercus michauxii</i> , Swamp Chestnut Oak		40
<i>Quercus muehlenbergii</i> , Chinqua Pin Oak		80
<i>Quercus palustris</i> , Pin or Swamp Oak		70
<i>Quercus phellos</i> , Willow Oak		30
<i>Quercus prinus</i> , Chestnut Oak		70
<i>Quercus robur</i> , English Oak		60
<i>Quercus rubra</i> , Red Oak		70
<i>Quercus shumardii</i> , Shumard Oak		60
<i>Quercus stellata</i> , Post Oak		30
<i>Quercus velutina</i> , Black Oak		60
<i>Rhamnus cathartica</i> , Common Buckthorn	Male	40
<i>Rhamnus cathartica</i> , Common Buckthorn	Female	20
<i>Robinia pseudoacacia</i> , Black Locust		40
<i>Salix alba</i> 'Tristis', Weeping Willow		40
<i>Salix matsudana</i> 'Tortuosa', Corkscrew Willow		30
<i>Salix nigra</i> , Black Willow		40
<i>Sassafras albidum</i> , Common Sassafras		60
<i>Sophora japonica</i> , Japanese Pagoda Tree		50
<i>Sorbus americana</i> , American Mountain Ash		40
<i>Sorbus alnifolia</i> , Korean Mountain Ash		50
<i>Sorbus aucuparia</i> , European Mountain Ash		50
<i>Syringa pekinensis</i> , Peking Lilac		70

<i>Syringa reticulata</i> , Japanese Tree Lilac		70
<i>Taxodium distichum</i> , Baldcypress		80
<i>Thuja occidentalis</i> , White Cedar Arborvitae		80
<i>Thuja orientalis</i> , Oriental Arborvitae		50
<i>Tilia americana</i> , American (Basswood) Linden		70
<i>Tilia cordata</i> , Little Leaf Linden		70
<i>Tilia ×euchlora</i> 'Redmond', Redmond Linden		80
<i>Tilia heterophylla</i> , Bee Tree Linden		70
<i>Tilia platyphyllos</i> , Big Leaf Linden		60
<i>Tilia tomentosa</i> , Silver Linden		60
<i>Tsuga canadensis</i> , Canadian hemlock		80
<i>Ulmus</i> , Hybrid Elm		70
<i>Ulmus americana</i> , American Elm		20
<i>Ulmus carPinifolia</i> , English Elm		30
<i>Ulmus parvifolia</i> , Chinese or Lacebark Elm		60
<i>Ulmus pumila</i> , Siberian Elm		40
<i>Ulmus rubra</i> , Slippery or Red Elm		20
<i>Ulmus thomasi</i> , Rock Elm		30
<i>Viburnum prunifolium</i> , Blackhaw Viburnum		70
<i>Viburnum sieboldii</i> , Siebold Viburnum		50
<i>Zelkova serrata</i> , Zelkova		40