

ORDINANCE NO. 06-42

BE IT ORDAINED by the President and Board of Trustees of the Village of Northbrook, County of Cook and State of Illinois THAT:

AN ORDINANCE AMENDING THE
NORTHBROOK MUNICIPAL CODE (1988), AS AMENDED,
REGARDING TREE PROTECTION AND PRESERVATION

be and is hereby adopted as follows:

Section 1. Background.

On March 21, 2001, the President and Board of Trustees of the Village of Northbrook adopted Ordinance No. 01-21 which substantially revised Chapter 25 of the Northbrook Municipal Code (1988), as amended (the "Municipal Code") to establish tree protection and preservation requirements. Based on their experience working with the new requirements, the President and Board of Trustees hereby find that it is in the best interest of the public and the Village to approve certain amendments to the Municipal Code regarding tree protection and preservation as provided in this Ordinance.

The Village received notice from the Illinois Department of Agriculture dated July 24, 2006 stating that: "[n]otice is hereby given by the Illinois Department of Agriculture, Bureau of Environmental Programs, pursuant to the Insect Pest and Plant Disease Act (505 ILCS 90/14) that the Illinois Department of Agriculture is declaring all plants and plant products thereof infested with the Emerald Ash Borer (*Agrilus planipennis Fairmaire*), specifically but not limited to Green ash (*Fraxinus pennsylvanica*), White ash (*Fraxinus Americana*), Black ash (*Fraxinus nigra*), as well as several horticultural varieties of ash, to be a nuisance in the State of Illinois and should be eradicated. The beetle is currently confined to portions of Kane and Cook Counties. There is currently no known treatment to control Emerald Ash Borer. Therefore, in accordance with 505 ILCS 90/15, eradication of infested trees according to Department guidelines will be required by the owner, or other persons in possession or control of the infested trees. The responsible party must remove all infested trees by the deadline and method specified by the Department. Failure of the property owner, or person in possession or control of the property to remove the infested trees will result in the tree removal by the State of Illinois and the expense incurred by the State of Illinois shall be collected in a civil action against the person liable."

The Village of Northbrook finds that the preservation of trees is an important Village objective and that the control and elimination of the Emerald Ash Borer is a matter pertaining to its government and affairs. Accordingly, the Village adopts this Ordinance in the exercise of its powers as a home rule unit under the Illinois Constitution of 1970 to support and codify the State's lead in aggressively dealing with this emerging pest which has already destroyed an estimated 15-20 million ash trees in Michigan, Indiana, Ohio and Canada.

Section 2. Amendment to Section 25-2 of the Municipal Code.

Section 25-2 of the Municipal Code is hereby amended to add a new subsection (4) to the definition of the term "Diseased Tree" as follows:

- "(4) Trees or parts thereof of ash, or of any other species, infested with, or that may serve as breeding or harboring places for, the Emerald Ash Borer (*Agrilus planipennis*)."

Section 3. Amendment to Section 25-41 of the Municipal Code.

Section 25-41 of the Municipal Code, entitled "Nuisance declared; prohibited," is hereby amended to add a new subsection 25-41(d) as follows:

"(d) Trees or parts thereof of the *Fraxinus* species in a condition, or within a designated or quarantined area, that are infested with, or that may serve as breeding or harboring places for, the Emerald Ash Borer (*Agrilus planipennis*) as determined by the Illinois or United States Department of Agriculture or the director of public works, are hereby declared to be public nuisances. It shall be unlawful for the person who owns property upon which such a tree is situated to possess or keep the same."

Section 4. Effective Date.

This Ordinance shall be in full force and effect ten days after its passage, approval, and publication in pamphlet form in the manner provided by law.

PASSED: This 22nd day of August, 2006.

AYES: (6) Trustees Frum, Karagianis, Buehler, Scolaro, Heller, and Kole

NAYS (0)

ABSENT: (0)

ABSTAIN: (0)

/s/ Eugene Marks
Village President

ATTEST:

/s/ Debra J. Ford
Village Clerk

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Passed by the Board of Trustees, August 22, 2006
Printed and Published, August 23, 2006

Printed and Published in Pamphlet Form
by Authority of the
President and Board of Trustees

VILLAGE OF NORTHBROOK
COOK COUNTY, ILLINOIS

I hereby certify that this document
was properly published on the date
stated above.

/s/ Debra J. Ford
Village Clerk

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