

**ORDINANCE NO. 2004-05-003**  
**Village of Trout Valley**

**Tree Ordinance for the Care of Trees in Utility Easements**

WHEREAS, The Village of Trout Valley is recognized as a community of distinctive character; and

WHEREAS, The Village of Trout Valley is recognized for its natural wooded setting which is an essential part of the Village's character; and

WHEREAS, The Trout Valley Association By-Laws and Deed Restrictions included provisions intended to preserve trees and natural environment of the community and this ordinance is consistent with the intent of the 1964 By-laws and the 1992 Deed Restrictions and with amendments that have occurred since that date; and

WHEREAS, the preservation of mature trees and native vegetation is necessary and desirable to preserve the character of the Village of Trout Valley, maintain and enhance property values and to provide for the general well being of the residents of the Trout Valley; and

WHEREAS, it is in the interest of the Village of Trout Valley to preserve mature trees in the Village of Trout Valley and prevent the spread of such tree borne diseases as Dutch Elm disease or Oak Wilt; and

**NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND VILLAGE BOARD OF THE VILLAGE OF TROUT VALLEY, MCHENRY COUNTY, ILLINOIS:**

**SECTION 1:** That the above and foregoing preamble is made a part of this ordinance in its entirety, as if fully set forth in the body of this ordinance.

**SECTION 2:** That the following provisions are incorporated as part of The Village of Trout Valley Code, as amended.

**2.1.0 PURPOSE**

The purpose of this ordinance is to establish tree preservation, care and maintenance standards in utility easements within the Village of Trout Valley.

**2.2.0 DEFINITIONS**

Diameter Breast Height (DBH) – the diameter of a tree measured at 54" above the grade existing at the base of the tree.



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Removal – the physical removal of a tree. Or actions such as severe pruning, damaging, poisoning or other direct or indirect action resulting in, or likely to result in, the death of a tree.

Tree – a woody, self-supporting perennial plant usually with a trunk, or a multi-stemmed trunk system and having a crown.

### **2.3.0 TREE MAINTENANCE AND REMOVAL**

2.3.1 Non-Emergency Tree Trimming, Pruning – All tree pruning conducted by public utilities and for profit tree services hired by public utilities within the corporate boundaries of the Village of Trout Valley shall be done in a manner that is consistent with the guidelines promulgated by the National Arborists Association from time to time and the Illinois Public Act 92-0214. Non emergency pruning of all tree species shall be permitted year round except that all species of elms and oaks shall not be pruned from the beginning of March to the end of October. Prior to conducting any non-emergency tree pruning, all utility companies shall notify the Village of Trout Valley and adjacent property owners, in writing within fourteen days prior to the start of any work. All utility companies shall provide similar notification when conducting non-emergency tree pruning of trees that overhang the boundary lines of the Village of Trout Valley irrespective of whether the tree is situated on property within the boundaries of the Village of Trout Valley.

2.3.2 Tree Removal – Prior to the removal of any healthy tree 10” DBH or larger from any utility easement or adjoining property a permit must first be obtained from the Village of Trout Valley. Any tree removal within a utility easement shall not encroach upon, or damage, any trees located on neighboring properties or in the Village right-of-way. Any permit authorizing removal may be subject to such conditions that the Village may deem necessary or appropriate to minimize damage to other trees or vegetation on a site including installation of protective fencing. Applications for a tree removal permit shall be made in writing to the Village of Trout Valley and shall clearly identify the subject tree or trees. All tree branches and trunks shall be neatly stacked, chipped or removed from the Village of Trout Valley.

2.3.3 Tree Stumps – Trees that have been removed in accordance with Section 2.3.2 shall be removed to within 6” from the ground. Trees stumps that are within 30 feet from the center of any Village public way shall be ground to 6” below the surface of the surrounding ground within thirty days of the tree pruning.

2.3.4 Trees Damaged by Natural Causes - Trees that have fallen or partially fallen to the ground due to natural causes shall be removed in accordance with Sections 2.3.1, 2.3.2 and 2.3.3 without first having to obtain a permit from the Village of Trout Valley.



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2.3.5 Cutting implements shall be disinfected prior to and after working on each individual tree to prevent the spread of Oak Wilt or Dutch elm disease.

2.4.0 PENALTIES

2.4.1 Failure to obtain a Tree Removal Permit prior to removing trees shall result in a fine of \$200 per inch of tree diameter measured at DBH or tree stump, whichever is greater, subject to a maximum fine as provided by Illinois Law.

2.4.2 Failure to comply with the provisions of this Ordinance shall result in a fine of \$750 per tree.

2.4.3 It is unlawful for any person, firm or corporation to fail to abide by the terms of the Village of Trout Valley Tree Ordinance and Illinois Public Act 92-0214.

SECTION 3: That this Ordinance shall be in full force and effect from and after its passage and approval according to law.

AYE: Trustees Kate Barrett, David Hall, Dennis Sheehan, Lorraine Sheehan, and Todd Somers

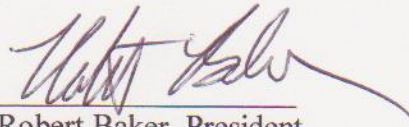
NAY: None

ABSENT: Trustee Richard Krautsack

ABSTAIN: None

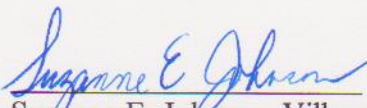
Dated at Trout Valley, Illinois this 13th day of June, 2005

Approved



Robert Baker, President

Attest



Suzanne E. Johnson, Village Clerk

**OFFICIAL SEAL**  
Village of  
Trout Valley  
McHenry County, Illinois  
Established 1996