

ORDINANCE NO. 2008-3
ORDINANCE ESTABLISHING FEES FOR CONSTRUCTION VEHICLES UPON
TOWNSHIP ROADS AND REPEALING CERTAIN PRIOR ORDINANCES
WEST DEERFIELD TOWNSHIP
LAKE COUNTY, ILLINOIS

WHEREAS, the use of Township roads by vehicles involved in construction projects has caused damage to such roads beyond the normal wear and tear resulting from other vehicular traffic; and

WHEREAS, such damage to Township roads from construction vehicles results in additional maintenance and repair expenses to the Township; and

WHEREAS, the Township Board of Trustees believes it is in the best interests of the residents of West Deerfield Township to protect the roads and reduce repair and maintenance expenses by requiring any person or other entity using Township roads in connection with any construction project to pay the fee provided for herein.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE WEST DEERFIELD TOWNSHIP BOARD OF TRUSTEES as follows:

1. **FEE.**

A. That any person or other entity, however described, intending to use or employ the use of any construction vehicle (as hereinafter defined) in connection with any construction on property adjacent to, or accessed from a Township road shall deposit with the Township a fee in the amount of two percent (2%) of the first \$25,000.00 of the cost of the project, and one percent (1%) of the cost of the project in excess of \$25,000.00

B. This fee is non-refundable.

2. **DEFINITIONS.**

A. "Cost of the project" shall be determined in accordance with the contract, purchase order or other estimate by the person or entity performing the work.

B. "Construction vehicle" shall mean any vehicle which is normally used or commercially employed to haul, convey or transport building materials or supplies in the course of construction. "Construction vehicle" shall not include vehicles commonly known as pickup trucks, and shall not include private vehicles owned by the person or entity for whom the construction work is being done.

3. **EXCESSIVE DAMAGES.**

A. If Township roads are actually damaged as the result of use by construction vehicles in an amount in excess of the fee paid pursuant to Section 1 above, then the Township shall have the right to recover its actual damages (less the fee paid) from the party using or employing the use of such construction vehicles.

B. In any such action the Township shall also be entitled to recover, in addition to actual damages, its reasonable attorney's fees and all costs and expenses incurred.

4. **ACTION TO ENFORCE.** In any action to enforce this Ordinance, either to collect fees due to Township or to enjoin any violation, the Township shall be entitled to recover, in addition to any other relief granted, its reasonable attorney's fees and all costs and expenses incurred.

5. **REPEAL.** Ordinances 2005-2 and 2008-1 are repealed as of the effective date of this Ordinance.

6. **EFFECTIVE DATE.** This Ordinance shall be effective as of August 1, 2008, after its passage and adoption as required by law, for all construction projects not previously granted permits by Lake County.

AYES: -4-

NAYS: -0-

ABSENT and/or
NOT VOTING -1-

PASSED AND APPROVED this 17th day of June, 2008

 Julie A. Morrison
JULIE A. MORRISON
Township Supervisor

ATTEST:

 Roberta Boudreau
ROBERTA BOUDREAU, Clerk

PREPARED BY:

RICHARD A. COWEN
STAHL COWEN CROWLEY ADDIS LLC
55 West Monroe, Suite 1200
Chicago, Illinois 60603

ORDINANCE NO. 2008-4
ORDINANCE REGULATING THE REMOVAL OF TREES WITHIN THE TOWNSHIP
RIGHT-OF-WAY
WEST DEERFIELD TOWNSHIP
LAKE COUNTY, ILLINOIS

WHEREAS, West Deerfield Township has jurisdiction over the rights-of-way in the unincorporated areas of West Deerfield Township; and

WHEREAS, while trees add to the beauty of the Township and promote the environment, it also may be necessary from time to time to remove such trees; and

WHEREAS, no one should be permitted to remove trees located within the Township right-of-way without prior approval by the Township.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF WEST DEERFIELD TOWNSHIP, LAKE COUNTY, ILLINOIS, that Ordinance 2008-2 is amended to provide as follows:

SECTION 1: PURPOSE AND INTENT. The purpose and intent of this ordinance is to foster the preservation, protection, planting and proper maintenance of trees in the Township right-of-way in order to:

- A. Prevent the unnecessary destruction of trees in the Township right-of-way;
- B. Aid in the stabilization of soil by the prevention of erosion and sedimentation;
- C. Aid in the control of drainage and restoration of denuded soil subsequent to construction or grading;
- D. Reduce storm water run-off and costs associated therewith and replenish ground water supplies;
- E. Provide a buffer and screen against noise pollution;

- F. Provide a habitat and food source for birds and other wildlife;
- G. Protect and increase property values;
- H. Conserve and enhance the Township's physical and aesthetic environment;
- I. Generally protect and enhance the quality of life and the general welfare of the Township and its citizens.

SECTION 2: DELETED

SECTION 3: GENERAL SCOPE: This ordinance shall apply to all trees of greater than four inches (4") DBH (diameter at breast heights of 4 foot) and all evergreens greater than eight feet in height (8') located in the Township right-of-way.

SECTION 4: ENFORCEMENT: Enforcement of this Ordinance shall be the responsibility of the Township Supervisor, after consultation with the Township Engineer, or in the absence of a Township Engineer, a Township Forester. The Township Engineer, or Township Forester, as the case may be, shall review plans and permit applications, make inspections, review and make recommendations to the Township Supervisor with regard to the issuance of permits, the enforcement of this Ordinance, and the care and management of trees in the Township.

A. Inspections: The Township Engineer or Township Forester shall, as necessary, conduct inspections and surveys to determine the existence, nature and extent of compliance with this ordinance. A copy of any approved tree plan and permit shall be kept at the site during the time that work is underway. When any inspection determines that the site work does not comply with the permit or approved tree plan, the Township Engineer, or Township Forester, shall issue a stop work order.

B. Prior Destruction: If, in the determination of the Township Engineer or Township Forester, it is reasonable to infer that damage or destruction of trees was effected so as to avoid the requirements of this ordinance, the Township Engineer or Township Forester may require the replacement or repair of any such damaged or destroyed trees, in addition to any other trees or landscaping affected. If the Township Board determines that the trees shall not be replaced, the person who damaged or removed the trees shall be fined FIVE HUNDRED DOLLARS (\$500.00) in addition to the penalty provided in Section 8.

C. Upon receipt of an application for a permit as required in Section 5, the Township Engineer, or Township Forester in the absence of a Township Engineer, shall inspect and photograph the area where a permit is sought for tree removal. The Township Engineer, or Township Forester, as the case may be, shall report to the Township Supervisor indicating the type and number of trees in the area where the permit is sought and shall determine if the tree or trees sought to be removed are trees which should be preserved or can be removed.

SECTION 5: PERMITS REQUIRED

A. Action Requiring Tree Permits: No work involving, or preparatory to, the removal of trees on any right-of-way in the unincorporated area of the Township shall be undertaken, and no Township permit required in connection with such work shall be issued unless an application is submitted to and approved by the Township Engineer or Township Forester, and a permit authorizing such work shall have first been issued by the Township Supervisor in accordance with this ordinance. The decision of the Supervisor, subject only to the appeal provisions in Section 5(E), below, shall be final.

B. Application for Permit: Any person, firm, corporation, partnership or other entity, however described, seeking to remove a tree in the right-of-way in the unincorporated area of the Township shall first apply in writing to the Township for a permit to remove a tree.

C. The application for removal of a tree will be reviewed by the Township Engineer or Township Forester who shall consider the quality of the tree sought to be removed and whether the applicant could make any improvement to their property without requiring the removal of the tree. If the Township Engineer or Township Forester determines that removal of the tree is necessary, then upon concurrence by the Township Supervisor, a permit will be issued and the tree or trees to be removed will be marked by the Township and photographs taken of the tree(s) prior to their removal.

D. The permit requirements set forth in this ordinance shall not apply to:

(1) Emergencies involving, but not limited to, tornadoes, windstorms, floods, freezes or other natural disasters;

(2) Trees and shrubbery which have become, or immediately threaten to become, a hazard to persons, property or other vegetation and must be destroyed pursuant to the requirements of law or Township ordinance by the Supervisor.

E. Any decision granting or denying a permit may be appealed to the Board of Trustees.

SECTION 6: FEE

A. Tree Permit. Every application submitted to the Township pursuant to this ordinance shall be accompanied by a tree permit fee of FIFTY DOLLARS (\$50.00) for each tree sought to be removed.

B. Reimbursement of Township Expenses. In addition to the fee required above, the applicant shall be required to reimburse the Township for its out-of-pocket expenses incurred in having the permit application reviewed by the Township Engineer or Township Forester, and inspections required by this ordinance. The applicant shall deposit with the Township at the time of application of amount of FIVE HUNDRED DOLLARS (\$500.00), which the Township shall be able to use to satisfy the charge of the Township Engineer or Township Forester. Any charges in excess of FIVE HUNDRED DOLLARS (\$500.00) shall be billed to the applicant and must be paid within ten days of billing. If the charges are less than \$500.00, the balance shall be refunded to the applicant.

SECTION 7: PERMIT REVIEW AND EXPIRATION. Any permit issued under this Ordinance shall be revoked or suspended if the permit holder violates the terms of the permit or any other provision of this Ordinance. Each such permit shall expire automatically if the work authorized by the permit is not undertaken within one hundred eighty days after its issuance, or is not completed within one year after its issuance, except that the Township Engineer, or Township Forester, may, upon application of the permit holder, grant reasonable extensions of time for commencement or completion of such work.

SECTION 8: PENALTY. Any person or other entity violating any provision of this ordinance or removing any tree from the Township right-of-way without a permit shall be fined FIVE HUNDRED DOLLARS (\$500.00) for each inch of DBH of deciduous tree removed and FIVE HUNDRED DOLLARS (\$500.00) for each foot of evergreen removed. In addition, the Township shall be entitled to recover its reasonable attorney fees and all costs incurred in any action to enforce this Ordinance.

