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AN ORDINANCE AMENDING TITLE 6, CHAPTER 2, SECTION 6-2-2-8 OF THE ORLAND PARK VILLAGE CODE IN REGARD TO THE REMOVAL OF DEAD TREES IN CERTAIN NATURAL AREAS

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WHEREAS, the Village President and Board of Trustees of the Village of Orland Park (the “Village”) have the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs and protect the public health, safety, and welfare of its citizens; and

WHEREAS, pursuant to 65 ILCS 5/11-60-2, the President and Board of Trustees of the Village may define, prevent, and abate nuisances; and

WHEREAS, the Village desires to reduce, eliminate and curb the public nuisances created by the presence of dead or infected trees or shrubs, while not being unduly burdensome in natural areas as specified herein; and

WHEREAS, the Village has declared that a public nuisance is created by failing to remove dead, diseased or infected plants or shrubs on any premises; and

WHEREAS, the Village desires to further regulate the existence of such a public nuisance by establishing additional guidelines for dead trees cut in certain natural areas.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Orland Park, Cook and Will Counties, Illinois, as follows:

SECTION 1

The above recitals are incorporated herein by reference as though fully set forth herein.

SECTION 2

That Title 6, Chapter 2, Section 6-2-2-8 of the Orland Park Village Code is hereby amended by deleting it in its entirety and replacing it as follows:

“6-2-2-8: DEAD OR INFECTED TREES AND SHRUBS:

To cause or permit to remain on any premises dead trees or shrubs or trees or shrubs that are infected with injurious insects, pests or infected with plant diseases which are liable to spread to other plants, trees or shrubs to the injury of said plants, trees or shrubs or to the injury of man or property.

However, notwithstanding the above restrictions, in a natural area (defined as any parcel of land exceeding five (5) acres which contains significant natural landscape within the jurisdiction of the Village of Orland Park, or any land zoned as “Open Land” pursuant to the Village of Orland

Park Zoning Classifications) dead trees or trees that have been cut may be permitted to remain in the natural area indefinitely after the date of their death or cutting; provided that the property owner of the natural area has the affirmative responsibility to show to the Village upon demand that the trees are not under any condition (including disease, pest infestation, or physical condition) that would make their presence injurious to plants, trees, or shrubs or to man or property. The Village may require that such trees be tested or examined by a certified Arborist to determine whether they may be safe to lie for a period of time. If so, the costs of establishing the lack of disease, infestation or other dangerous condition, the costs of amelioration of such condition, and/or the costs of removal if deemed necessary, shall be borne solely by the property owner of the natural area. The Village Manager or his/her designee shall have the ultimate authority to determine whether any particular tree creates a nuisance condition and upon the Village Manager or their designee's determination regarding the same, the tree must be removed."

SECTION 3

If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this Ordinance. All ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4

This Ordinance shall be in full force and effect from and after its adoption, and publication in pamphlet form as provided by law.