

Ordinance No. 12-16

AN ORDINANCE TO AMEND CHAPTER 114 – VEGETATION OF THE MUNICIPAL CODE FOR CURBSIDE BRUSH COLLECTION ELIMINATION AND FOR PROHIBITION OF PLANTING CERTAIN SPECIES OF ASH TREES IN CITY RIGHTS-OF-WAY

WHEREAS, the City Council has determined that the City’s curbside brush collection program is to be terminated, effective in FY2012; and

WHEREAS, the City Council has determined that, due to the spread of the Emerald Ash Borer insect and its effect that the future planting of certain Ash species of trees is no longer desirous for City parkways.

NOW, THEREFORE BE IT ORDAINED by the Mayor and City Council of the City of Rolling Meadows, State of Illinois, as follows:

Section One: Chapter 114 "Vegetation" of the Code of Ordinances is amended in the following respects:

- a. Section 114-29 Definitions is amended by adding thereto “Emerald Ash Borer means the metallic green beetle, native to Asia (*Agrilus Planipennis* Fairmaire)” to be inserted alphabetically.
- b. Section 114-33 Planting on public property is amended at subsection (b)(1) by adding thereto "Ash Trees (*fraxinus*), all varieties."
- c. Section 114-34(a) is amended by changing the title from “Spraying or pruning of trees” to “Pesticide Application and pruning of trees” and substituting the words “spraying” or “tree spraying” with the words “Pesticide application.”
- d. Section 114-38 is amended by changing the title from “Dutch elm disease control” to “Disease and Insect Control.”

e. Section 114-38(a) through (e) are hereby repealed and replaced with the following:

(a) *Nuisance declared.* Any tree found to be infected with Emerald Ash Borer (EAB) or Dutch elm disease, located on any premises in the city, shall hereby be declared to be a public nuisance and it shall be removed within thirty days following service of the notice for which provision is made herein. It shall be unlawful for any person that owns any premises on which such an infected tree is located to allow such tree to remain on any such premises after the expiration of ten days after service of notice pursuant to subsection (d) of this section.

(b) *Breeding places of EAB or elm bark, beetles, nuisance.* Ash trees, elm trees or parts thereof, in a dead or dying condition, including stumps and wood in wood piles, that may serve as a breeding place or places of the EAB or elm bark beetle are hereby declared to be public nuisances. It shall be unlawful for any person that owns premises on which any such trees, parts thereof, stumps or wood piles are located to permit the same to remain thereon after the expiration of thirty days after service of a notice to remove the same pursuant to subsection (d) of this section. It shall also be unlawful for any person or company to sell or otherwise dispose of infected logs within the corporate limits of the city. In the event of such violation, that person or company shall be required to remove and properly dispose of the logs at his/their own expense within thirty days after service of a notice to remove the same.

(c) *Enforcement and inspection.* The director of public works or designee shall enforce the provisions of this section. The director of public works or designee is hereby authorized, after giving notice of the intent and purpose, to enter in or upon any premises in the city, at all reasonable hours, for the purpose of inspecting such premises if the director of public works or designee has reasonable cause to believe the premises may contain infected trees or breeding places of the EAB or elm bark beetle. The director of public works or designee may remove from such trees such samples, borings or specimens as are required for the purpose of making a laboratory analysis to determine whether any tree located thereon is infected with EAB or Dutch elm disease or is a breeding place of the EAB or elm bark beetle. It shall be unlawful for any person to prevent the director of public works or designee from entering upon such premises for the purpose of carrying out the duties specified hereunder or to interfere with the director of public works or designee in the performance of the lawful duties authorized under the provisions of this section.

(d) *Notice.* If any tree growing on any premises in the city is found to be infected with EAB or Dutch elm disease, the director of public works or designee shall serve a notice upon the owner or occupant of the premises on which the said tree is growing to remove the said tree within thirty days. Such notice shall contain the following information:

- (1) The identity of the property, by common description;
- (2) The tree affected;

- (3) A notice that it is unlawful to permit such infected tree to remain on the property;
- (4) A request for the removal of the tree;
- (5) A notice that if the tree is not removed within thirty days, the city will make necessary Arrangements to remove the same and charge the cost thereof to the owner or occupant of the premises; and
- (6) A notice that if the cost and expense incurred in the removal of such infected tree is not paid, then within 60 days after incurring such cost and expense a notice of lien on the real estate affected will be filed in the office of the Recorder of Deeds, or Registrar of Titles, whichever is applicable, of Cook County, Illinois.

(e) *Abatement.* If any person served with a notice to remove an infected tree refuses or neglects to remove the tree, within thirty days of the date that such notice is served, then the director of public works or designee, or his agents or contractors, may enter in or upon the premises where the infected tree is located and remove the tree. The cost and expense of such removal shall be charged to and paid by the owner or occupant of the lot or premises.

(f) Sections 114-72 through 114-75, inclusive are hereby repealed.

(g) Section 114-76 Special pickup services is amended at subparagraph (a) by deleting "...that is not picked up as part of the city's free brush collection program."

(h) Section 114-78 Exceptions is amended by deleting subparagraph (1) and replacing it with the following:

(1) Christmas trees will be picked up in January and are considered as refuse for the purpose of disposal.

Section Two: This ordinance shall be printed and published in pamphlet form by order of the City Council of the City of Rolling Meadows.

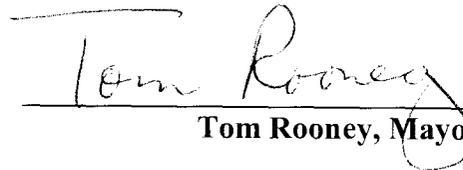
Section Three: This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

YEAS: Cannon, Allen, Judd, Banger, D'Astice, Larsen

NAYS: 0

ABSENT: Buske

Passed and approved this 27th day of March 2012.



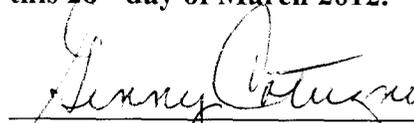
Tom Rooney, Mayor

ATTEST:



Ginny Cotugno, Deputy City Clerk

**Published in pamphlet form
this 28th day of March 2012.**



Ginny Cotugno, Deputy City Clerk