

**ORDINANCE AMENDING ESCROW REQUIREMENTS FOR TREE REMOVAL PERMITS
AS SET FORTH IN TITLE 4, CHAPTER 6 IN THE VILLAGE CODE**

WHEREAS, the Village of Barrington Hills (hereinafter the "Village") is a duly organized and existing Illinois home rule municipality pursuant to the Illinois Municipal Code, 65 ILCS 5/1-1-1 *et seq.*; and

WHEREAS, the Village of Barrington Hills is authorized and empowered, under the Municipal Code and the Code of Ordinances of the Village of Barrington Hills, to adopt regulations applicable to the removal of trees within the Village; and

WHEREAS, the Village Code sets forth regulations requiring property owners to acquire a tree removal permit (TRP) in certain situations when heritage trees are removed or endangered; and

WHEREAS, the TRP requires that applicants place into escrow cash equal to the tree replacement value, as determined by the Village Arborist; and

WHEREAS, it is the recommendation of staff that the Board amend the code to allow the use of bond in lieu of the cash escrow requirement in the event the escrow amount would exceed \$100,000; and

WHEREAS, the Village President and Board of Trustees have reviewed the amendments recommended and based on the recommendations of staff, deem it prudent and necessary to adopt the amendments; which will amend Title 4, Building Regulations, Chapter 6 Tree Preservation, of the Village Code.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Barrington Hills, Cook, Kane, Lake and McHenry Counties, Illinois, as a home rule municipality, the following:

SECTION ONE: That the forgoing recitals are hereby incorporated by reference as if fully set forth herein.

SECTION TWO: That building regulations relative to escrows required for Tree Preservation Permits shall be amended to allow for the use of a bond in the event the escrow amount exceeds \$100,000, and for such purpose, Title 4, Chapter 6 Tree Preservation code be and hereby is amended effective immediately upon passage to state as follows:

4-6-3: ADMINISTRATION:

...

(E) Escrow:

1. If tree replacement is required by this chapter, then as a condition of the TRP, the applicant shall place into escrow with the Village an amount of money in cash equal to the tree replacement value, as determined by the Village Arborist. In the event the tree replacement value is greater than \$100,000 a bond in a form acceptable to the Village, may be utilized in lieu of a cash escrow. The money shall be returned, or the bond released, once the new tree(s) are planted. Failure to plant the tree(s) in compliance with the TRP within one growing season shall result in forfeiture of the escrow or bond, which shall then be used by the Village to plant as required by the TRP. Access to the applicant's property shall be granted for such work to be completed in accordance with the TRP. The Village Arborist shall maintain a current schedule of cost including planting expenses for replacement of trees.

2. If it is determined that practices which violate any portion of the village code have resulted in tree damage, then the village may require an escrow payment or tender of a bond (if the amount at issue exceeds \$100,000) in a form acceptable to the Village ~~by made~~ to the village, equal to the replacement value of the damaged tree(s) as determined by the Village Arborist. The cash escrow or bond shall be held by the village for the purpose of assuring that all

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remedial actions required by the village to restore the health of the tree(s) are taken, and/or for the purpose of assuring the appropriate tree replacement should any damages trees die or show noticeable signs of decline as determined by the Village Arborist.

SECTION THREE: That all other ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance, are, to the extent of such conflict, expressly repealed.

SECTION FOUR: That this Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

Ayes: 6 (Hills, Riff, Ekstrom, Croll, Konicek, Cecola)
Nays: 0
Absent: 1 (Strauss)
Abstain: 0

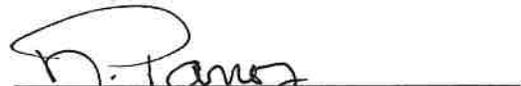
PASSED AND APPROVED by the President and Board of Trustees of the Village of Barrington Hills, this 24th day of April, 2023.

APPROVED:



Village President

ATTEST:



Village Clerk