

Memo

To: Trustee Messer
From: Robert Kosin, Director of Administration
CC: Village President, Board of Trustees
Date: June 20, 2014
Re: Tree Preservation Ordinance

The attached is a re-presentation of an amendment of the Building Code to clarify that the appeal provisions cross referenced from the Site Development Ordinance to the Tree Preservation Ordinance is limited to the notice requirements.

This came about during the drafting of the Tree Preservation Ordinance that to limit the repetition of the appeal process in every chapter of the Building Code, it would cross reference the existing appeal provisions in the Site Development Ordinance. However, upon a recent re-read of the Tree Preservation Ordinance, the language was so broadly written as to appear to include provisions of the Site Development Ordinance which are not applicable to tree preservation.

Therefore, it is prosed to specify the components of the appeal process of the Tree Preservation Ordinance and an amendment was drafted to accomplish that clarification.

**ORDINANCE AMENDING
SECTION 4-6-4 TREE PRESERVATION
OF THE VILLAGE CODE**

WHEREAS, the Building Code Title 4 of the Village Code contains the provisions in Section 6 of the Tree Preservation Ordinance also commonly referred to as the Heritage Tree Ordinance; and

WHEREAS, the appeal provision of the Ordinance references, without limitation, the process as used in the Erosion and Sedimentation Control Regulations; and

WHEREAS, the purpose of the Erosion and Sedimentation Control Regulations is not similar to the purpose of the Tree Preservation Ordinance.

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. Section 4-6-4 of the Tree Preservation Ordinance, "Appeals" shall be, and the same hereby is amended to read hereinafter as follows:

Any person aggrieved by any action taken, order issued, or determination made pursuant to this chapter, other than a stop work order issued pursuant to subsection 4-1-7(C) of this title, may appeal to the Barrington Hills plan commission in accordance with the notice and appeal provisions of subsection 4-3-4(D) of this title, upon payment of a filing fee of one hundred dollars (\$100.00). [additions/deletions]

Section Two. Should any part or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part declared to be invalid.

Section Three. All ordinances, resolutions, motions and orders, or parts thereof, in conflict herewith, are to the extent of such conflict hereby superseded; and this Ordinance shall be in full force and effect from and after its passage and approval in the manner provided by law.

PASSED THIS _____ day of June, 2014.

AYES: _____, NAYS: _____, ABSENT: _____, ABSTAIN: _____

APPROVED THIS _____ day of _____, 2014.

ATTEST:

Village President

Village Clerk



Robert Kosin <rkosin@barringtonhills-il.gov>

Appeals under Tree Preservation Ordinance

1 message

Callaghan, Gerald P. <jcallaghan@freeborn.com>
To: Robert Kosin <rkosin@barringtonhills-il.gov>

Mon, Jun 9, 2014 at 3:54 PM

Bob,

Under section 4-6-4 of the Village's Tree Preservation Ordinance, any person aggrieved by any action taken, order issued or determination made pursuant to the ordinance may appeal such action, order or determination to the Plan Commission pursuant to the "provisions" of section 4-3-4(D) of the Village Code. Section 4-3-4(D) pertains to appeals of decisions of the Village's Building Officer under the Erosion and Sedimentation Control Regulations. It appears that the intent of section 4-6-4 was to incorporate the appeal procedures of section 4-3-4(D), rather than the appeal provisions. To clarify the Village Board's intent, I suggest that section 4-6-4 be amended to replace the word "provisions" with the words "notice and appeal procedures." This change would clarify that section 4-6-4 does not incorporate the substantive appeal factors of section 4-3-4(D), but only the notice and hearing procedures.

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