

POLICY No. 13

OLD TITLE: NA - NEW POLICY

NEW TITLE: TREE VANDALISM/DAMAGE TO PROPERTY

PURPOSE: To protect the consistency of the forested character of Lake Barrington Shores and to state penalties for vandalism/damage to property against trees within Lake Barrington Shores.

DEFINITIONS:

dbh: "Diameter at breast height" for single-stem trees shall be the diameter of the trunk size as measured at fifty-four inches (54") above the established ground level, or for replacement trees, fifty-four inches (54") above the top of the root ball. Diameter at breast height (dbh) for multi-stem or "clump form" trees shall be calculated as the sum of the dbh of each of the stems.

COMMON AREA TREE: Any tree located in a Common Area.

HERITAGE TREE: Any tree located in a Common Area with a trunk size of twenty inches (20") or larger dbh.

NATIVE TREE: Any tree of any size, including saplings (those smaller than four inches (4") dbh), located in a Natural Area, of those genera (and their cultivars and varieties) that were present in Northern Illinois prior to the arrival of European settlers. A list of Native Trees is attached as Exhibit A for reference.

ORNAMENTAL TREE: A tree, typically considered an understory tree, generally reaching a mature height of 20'-25', and which generally displays showy flowers early in the growing season.

PROTECTED TREES: Shall be defined as and include Common Area Trees, Heritage Trees, Native Trees, and Ornamental Trees which are all specially protected by the provisions of this policy.

VANDALISM/DAMAGE TO PROPERTY: Any action, taken by a Unit Owner, Resident, guest, or contractor hired by a Unit Owner, Resident or Condominium Association which causes harm to a Protected Tree. This includes, but is not limited to, unauthorized actions such as tree pruning, tree removal, girdling, bark stripping, bark carving, drilling, pouring of chemicals into or around the root zone of a tree, or spraying of any substance other than water on or around the tree.

I. GENERAL PRINCIPLES REGARDING TREE PROTECTION AT LAKE BARRINGTON SHORES:

- A. Trees are one of the most valuable assets of the community. The LBCHA Master Board and the Landscape Commission will make every effort to preserve and safeguard Protected Trees. Heritage Trees and Native Trees receive special consideration for protection.

II. VANDALISM/DAMAGE TO PROPERTY AGAINST TREES

- A. Vandalism/damage to property against Protected Trees, is a serious offense at Lake Barrington Shores, and violates the Tree Protection Ordinance of the Village of Lake Barrington.

- B. When evidence of vandalism/damage to property is discovered, the Landscape Manager should be notified immediately.
- C. The Landscape Manager, in consultation with the LBCHA approved arborist, will assess the damage to the tree(s) and determine whether the tree(s) can be effectively rehabilitated. If the tree(s) can be effectively rehabilitated, the Landscape Manager will authorize treatment of the tree(s). If the tree(s) cannot be effectively rehabilitated, the Landscape Manager will authorize the removal of the tree(s).
- D. The Property Manager will notify Unit Owners in the immediate vicinity of the affected area by letter and by such other means as approved by the LBCHA Master Board and ask their cooperation in identifying the individual responsible for vandalizing/damaging property.
- E. After verification by the Property Manager, the Unit Owner and/or Resident alleged to be responsible for the vandalism/damage to property will be sent a notice in accordance with Landscape Policy 15.
- F. After notice and opportunity for a hearing as described in Landscape Policy 15, the responsible Unit Owner and/or Resident may be billed for the cost of treating the tree(s), or if the tree(s) cannot be effectively treated, for the cost of removal and cleanup for the tree(s) that was vandalized/damaged, for the purchase and planting of replacement tree(s) elsewhere in the applicable Condominium Association Common Area in accordance with the schedule in Landscape Policy 14 Section II.H. and for the cost of watering of the replacement trees for two years.
- G. Any replacement trees will be obtained by the Landscape Manager at competitive pricing.
- H. In addition, after notice and opportunity for a hearing as described in Landscape Policy 15, the Unit Owner and/or Resident who commits vandalism/damage to property against a Protected Tree may be fined a penalty equal to \$250 per inch of trunk size, as measured six inches above the established ground level for Heritage Trees and Native Trees, and \$100 per inch of trunk size, as measured six inches above the established ground level for Common Area Trees, but provided however that every violation of this Section II. shall result in a fine of not less than \$500. Each Protected Tree vandalized/damaged shall be a separate violation.
- I. The LBCHA and each Condominium Association reserve the right to report incidents of vandalism/damage to property to appropriate law enforcement authorities for potential prosecution under applicable criminal or civil statutes.