

**STATE OF ILLINOIS - COUNTY OF BOND
CITY OF GREENVILLE**

ORDINANCE NO. 3215

**AN ORDINANCE AMENDING CHAPTER 97: TREE
PRESERVATION OF THE CITY CODE OF ORDINANCES, BY
THE CITY OF GREENVILLE, BOND COUNTY, ILLINOIS**

**ADOPTED BY THE
CITY COUNCIL
OF
THE CITY OF GREENVILLE
THIS 14th DAY OF JANUARY, 2020**

**Published in pamphlet form by authority of the City Council of the City of Greenville,
Bond County, Illinois, this 15th day of January, 2020.**

**STATE OF ILLINOIS
COUNTY OF BOND, CITY OF GREENVILLE
ORDINANCE NO. 3215**

AN ORDINANCE AMENDING CHAPTER 97: TREES PRESERVATION OF THE CITY CODE OF ORDINANCES, BY THE CITY OF GREENVILLE, BOND COUNTY, ILLINOIS

WHEREAS, it is desired that the Greenville Code of Ordinances Chapter 97: Tree; be amended in the following respects:

That Chapter 97; Trees in its entirety, shall be removed and discarded.

It is hereby replaced with the new Chapter 97, which shall say:

**CHAPTER 97: TREE PRESERVATION
GENERAL PROVISIONS**

97.01 SHORT TITLE.

This chapter shall be known and may be cited as the "Greenville Tree Preservation Ordinance".

97.02 PURPOSE.

It is the purpose of this chapter to promote and protect the public health, safety and welfare by providing for the regulation of the planting, maintenance and removal of trees, shrubs and other plants within the city. Trees are an integral part of the ecosystem and infrastructure within the city, and should be preserved and cared for as other infrastructure.

97.03 INTENT.

(A) It is the intent of the City Council that the terms of this chapter shall be construed so as to promote:

(1) The planting, maintenance and retention of desirable trees and the removal of undesirable trees, shrubs and other plants within the city;

(2) The protection of community residents from personal injury and property damage, and the protection of the city from property damage caused or threatened by the improper planting, maintenance or removal of trees, shrubs or other plants located within the community;

(3) The management of the forest ecosystem for the good it can provide the citizens of the city; and

(4) The establishment of a Tree Authority for the purpose of fulfilling the above; and

(B) No person, municipality, corporation or public utility shall be exempt from the requirements of this chapter.

97.04 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ARBORIST. An individual with knowledge and experience in forestry and/or horticulture.

CITY-OWNED PROPERTY. Property within the corporate limits of the city and:

- (1) Owned by the city in fee simple absolute;
- (2) Implicitly or expressly dedicated to the public for present or future use for purposes of vehicular or pedestrian traffic, or for public easements; or
- (3) Owned or controlled by the city for parks, green belt, open space or other public purposes.

ENFORCEMENT OFFICER. An employee of the city appointed by the City Manager.

INSECT PEST. Insects, crustaceans, arachnids and vermis injurious to plants and plant products.

PROPERTY OWNER. The record owner or contract purchaser of any parcel of land.

PERSON. Any individual, firm, corporation, partnership, joint venture, association, society or any unit of government.

PLANT DISEASES. Fungi, bacteria, nematodes, protozoans and viruses injurious to plants and plant products and the pathological condition in plants and plant products caused by fungi, bacteria, nematodes, protozoans and viruses.

PUBLIC UTILITY COMPANY. Any person, firm or corporation, partnership or other entity which owns, controls, operates or manages, directly or indirectly, any plant, equipment or property used or to be used for or in connection with the production, storage, transmission, sale, delivery or furnishing of heat, power, electricity, light, telephone, telegraph, television, natural gas or similar device.

TREES, SHRUBS AND OTHER PLANTS. All vegetation, woody or otherwise, except lawn grass and flowers less than 24 inches in height.

TREE LAWN. The part of a street or highway, not covered by sidewalk or other paving, lying between the property line and that portion of the street or highway usually used for vehicular traffic.

97.05 IMPLEMENTATION OF PLANS AND SPECIFICATIONS.

(A) The city shall cause the approved Urban Forestry Management Plan and all revision and amendments to it to be published and promulgated, and shall have available one copy for public inspection at the office of the City Clerk/Finance Director. Notice that such information is available for public inspection shall be posted on the city's website.

(B) The City Clerk/Finance Director shall make available to any interested persons copies of this chapter, and copies of the Urban Forestry Management Plan.

(C) The enforcement officer shall administer the Urban Forestry Management Plan.

(D) The city shall perform whatever acts are necessary, including the planting and maintenance of trees, shrubs and other plants located on city-owned property, to conform with the Urban Forestry Management Plan, and this chapter.

97.06 ENFORCEMENT.

(A) *Designation of enforcement.* The City Manager or his or her designated representative shall be the Enforcement Officer.

(B) *Duties.*

(1) The Enforcement Officer shall make available to any interested person copies of this chapter, and copies of such documents related to trees, shrubs and other plants as may be adopted by the City Council.

(2) (a) The Enforcement Officer shall have the right to inspect all work performed pursuant to such this chapter.

(b) If the Enforcement Officer finds that the work performed is not in accordance with the requirement of this chapter, and the Urban Forestry Management Plan, the Enforcement Officer shall provide written notice of his or her findings.

(c) The Enforcement Officer may also:

1. Issue a written order to cease and desist all work;

2. Apply to a court of competent jurisdiction for a penalty as described by this chapter; and

3. Take steps to correct the results of the non-complying work and the reasonable costs of such steps shall be charged.

97.07 ABUSE, MUTILATION OR INJURY.

No person, without lawful authority, shall willfully:

(A) Injure, deface, disfigure, cut, carve, transplant, remove, destroy, attach any rope, wire, nail, advertising posters, election posters or other contrivance to any tree, allow any gaseous, liquid, chemical or solid substance which is harmful to such tree to come into contact with it;

(B) Set fire to, or permit any fire to burn when such fire or the heat therefrom will injure any portion of any tree located on city-owned property; or

(C) Cause reasonably avoidable damage to the root system by excavation, trenching or tunneling. A tree protection zone shall be required for existing trees in construction areas.

97.08 APPEALS.

Any party may appeal a decision of the Enforcement Officer to the City Council for a final determination.

REQUIREMENTS

97.20 SCOPE OF REQUIREMENTS.

No persons, except authorized city employees, a contractor hired by the city, or a public utility company and their authorized agents and contractors may perform any of the following acts without first obtaining permission from the city:

(A) Plant on city-owned property, or treat, prune, remove or otherwise disturb any tree, shrub or other plant located on city-owned property; except that, this provision shall not be construed to prohibit owners of property adjacent to city-owned property from watering or fertilizing without a permit any tree located on such city-owned property;

(B) Trim, prune or remove any tree or portion thereof if such tree or portions thereof reasonably may be expected to fall on city-owned property and thereby to cause damage to persons or property;

(C) Place on city-owned property, either above or below ground level; a container for trees, shrubs or other plants;

(D) Damage, cut, tap, carve or transplant any tree, shrub or other plant located on city-owned property;

(E) Attach any rope, wire, nail, sign, poster or other human-made object to any tree, shrub or other plant located on city-owned property;

(F) Dig a tunnel or trench on city-owned property.

(G) Should adhere to International Society of Arboriculture (ISA) best management practices.

97.21 PUBLIC UTILITY COMPANIES.

Public utility companies shall notify the city prior to the initiation of pruning cycles which will involve trees located on city-owned property for the purpose of maintaining safe line clearance. The notice shall state the estimated time frame of the pruning cycle, as well as the planned locations in the city where the work will be performed. Public utility companies shall also notify the Enforcement Officer prior to the installation or maintenance of underground utilities if such activity will occur within the dripline of trees

located on city-owned property. In the case of severe storms, natural disasters or other emergency situations, a public utility company may perform any required pruning or underground utility maintenance necessitated by such situation and thereafter notify the Enforcement Officer of the work performed. Public utility shall replace any tree that has been removed in a suitable location.

NUISANCES

97.35 PUBLIC NUISANCES DEFINED.

The following are hereby declared public nuisances under this chapter:

(A) Any dead or near dead tree, shrub or other plant whether located on city-owned property or on private property;

(B) Any tree, shrub or other plant whether located on city-owned property or on private property which harbors insect pests or plant diseases which reasonably may be expected to injure or harm any tree, shrub or other plant;

(C) Any tree, shrub or other plant or portion thereof whether located on city-owned property or on private property which by reason of location or condition constitutes an imminent danger to the health, safety or welfare of the general public;

(D) Any tree, shrub or other plant or portion thereof whether located on city-owned property or on private property which obstructs the free passage of pedestrians or vehicular traffic or which obstructs a street light or traffic-control device; and

(E) Any tree, shrub or other plant or portion thereof whether located on city-owned property or on private property which dangerously obstructs the view in the "visibility triangle" as such may be determined by the city's engineer pursuant to ordinance.

97.36 RIGHT TO INSPECT.

The officers, agents, servants and employees of the city have the authority to enter upon private property whereon there is located a tree that is suspected to be a public nuisance after notification, excepting such cases as may be declared an emergency by the Enforcement Officer.

97.37 ABATEMENT.

The following are the prescribed means of abating public nuisances under this chapter.

(A) Any public nuisance under this chapter which is located on city-owned property shall be pruned, removed or otherwise treated in whatever fashion is required to cause the abatement of the nuisance within a reasonable time after its discovery.

(B) Any public nuisance under this chapter which is located on private property shall be pruned, removed or otherwise treated by the property owner or his agent in whatever fashion is required to cause abatement of the nuisance. No property owner may be

found guilty of violating this provision unless and until the following requirements of notice have been satisfied.

(1) The Enforcement Officer shall cause written notice to be personally served or sent by registered mail to the person to whom was sent the tax bill for the general taxes for the last preceding year.

(2) Such notice shall designate the kind of tree which has been declared to be a public nuisance, its location on the property, the reason for declaring it a nuisance.

(3) Such notice shall describe by legal description or by street the premises.

(4) Such notice shall state the actions that the property owner may undertake to abate the nuisance.

(5) Such notice shall require the elimination of the nuisance no less than 60 days after the notice is delivered or sent to the person to whom was sent the tax bill for the general taxes for the last preceding year, excepting in cases of immediate emergency.

(6) Such notice shall include a copy of this chapter and a copy of 65 ILCS 5/11-20-11 and 5/11-20-12.

(C) The City Council is empowered to seek from any court of competent jurisdiction an order directing immediate abatement of any public nuisance.

OVERSIGHT AUTHORITY

97.50 DUTIES.

The City Manager and his designee(s) shall perform the following duties.

(A) The City Manager, Public Works Director and Enforcement Officer shall advise the City Council on any matters pertaining to this chapter and its enforcement, and shall be responsible for all city regulations concerning trees, shrubs and other plants, including, but not limited to, the following:

(1) Development, alteration and revision of an Urban Forestry Management Plan for the city;

(2) For amendments to this chapter and for enactment of additional ordinances concerning trees, shrubs and other plants;

(3) Establishment of policy concerning selection, planting, maintenance and removal of trees, shrubs and other plants;

(4) Establishment of educational and informational programs;

(5) Development of an annual application for tree city certification by the Arbor Day Foundation;

(6) Recommend an annual budget for implementation of the Urban Forestry Management Plan; and

(7) Development of policies and procedures regarding the Arborist's duties.

(C) Shall hear all issues of the disputes which arise concerning the tree resources, and a recommendation shall be brought before the City Council. Nothing in this section shall be construed to limit the jurisdiction of any court with respect to such disputes.

ARBORIST

97.65 ESTABLISHED.

The position of the Arborist is hereby established. The Arborist should be ISA certified, or equivalent.

97.66 DUTIES.

(A) The Arborist shall assist in developing, and each subsequent year update, the Urban Forestry Management Plan. The Plan shall outline urban forestry program activities for a minimum of the next five years. This plan shall describe the urban forestry activities to be undertaken by the city, the reasons for those activities, the possible funding source(s), the means of accomplishing the activities, the alternatives available to the city to fund or accomplish the activity, the projected date of completion and the consequences if the activity is not completed. Activities may include, but are not limited to, street tree inventory, planting, tree removal, beautification projects and educational projects.

97.99 PENALTY.

Any person who violates any provision of this chapter or who fails to comply with any notice issued pursuant to this chapter, upon being found guilty of violation, shall be subject to a fine of not less than \$25, nor more than \$750, for each separate offense. Each day during which any violation of the provisions of this chapter shall occur or continue shall be a separate offense. If, as a result of the violation of any provision of this chapter, the injury, mutilation or death of a tree located on city-owned property is caused, the cost of repair or replacement of such tree shall be borne by the party in violation.

NOW, THEREFORE, LET IT BE RESOLVED by the Mayor and the City Council of the City of Greenville, Bond County, Illinois, as follows:

SECTION 1-GENERAL STATEMENT: That effective January 14, 2020, it is desired that Chapter 97: Trees, be amended in the following respects:

That Chapter 97; Trees in its entirety, shall be removed and discard.

It is hereby replaced with the new Chapter 97, which shall say:

CHAPTER 97: TREES **GENERAL PROVISIONS**

97.01 SHORT TITLE.

This chapter shall be known and may be cited as the "Greenville Tree Ordinance".

97.02 PURPOSE.

It is the purpose of this chapter to promote and protect the public health, safety and welfare by providing for the regulation of the planting, maintenance and removal of trees, shrubs and other plants within the city. Trees are an integral part of the ecosystem and infrastructure within the city, and should be preserved and cared for as other infrastructure.

97.03 INTENT.

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(2) The protection of community residents from personal injury and property damage, and the protection of the city from property damage caused or threatened by the improper planting, maintenance or removal of trees, shrubs or other plants located within the community;

(3) The management of the forest ecosystem for the good it can provide the citizens of the city; and

(4) The establishment of a Tree Authority for the purpose of fulfilling the above; and

(B) No person, municipality, corporation or public utility shall be exempt from the requirements of this chapter.

97.04 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ARBORIST. An individual with knowledge and experience in forestry and/or horticulture.

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(1) Owned by the city in fee simple absolute;

(2) Implicitly or expressly dedicated to the public for present or future use for purposes of vehicular or pedestrian traffic, or for public easements; or

(3) Owned or controlled by the city for parks, green belt, open space or other public purposes.

ENFORCEMENT OFFICER. An employee of the city appointed by the City Manager.

INSECT PEST. Insects, crustaceans, arachnids and vermis injurious to plants and plant products.

PROPERTY OWNER. The record owner or contract purchaser of any parcel of land.

PERSON. Any individual, firm, corporation, partnership, joint venture, association, society or any unit of government.

PLANT DISEASES. Fungi, bacteria, nematodes, protozoans and viruses injurious to plants and plant products and the pathological condition in plants and plant products caused by fungi, bacteria, nematodes, protozoans and viruses.

PUBLIC UTILITY COMPANY. Any person, firm or corporation, partnership or other entity which owns, controls, operates or manages, directly or indirectly, any plant, equipment or property used or to be used for or in connection with the production, storage, transmission, sale, delivery or furnishing of heat, power, electricity, light, telephone, telegraph, television, natural gas or similar device.

TREES, SHRUBS AND OTHER PLANTS. All vegetation, woody or otherwise, except lawn grass and flowers less than 24 inches in height.

TREE LAWN. The part of a street or highway, not covered by sidewalk or other paving, lying between the property line and that portion of the street or highway usually used for vehicular traffic.

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(B) The City Clerk/Finance Director shall make available to any interested persons copies of this chapter, and copies of the Urban Forestry Management Plan.

(C) The enforcement officer shall administer the Urban Forestry Management Plan.

(D) The city shall perform whatever acts are necessary, including the planting and maintenance of trees, shrubs and other plants located on city-owned property, to conform with the Urban Forestry Management Plan, and this chapter.

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(B) *Duties.*

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(2) (a) The Enforcement Officer shall have the right to inspect all work performed pursuant to such this chapter.

(b) If the Enforcement Officer finds that the work performed is not in accordance with the requirement of this chapter, and the Urban Forestry Management Plan, the Enforcement Officer shall provide written notice of his or her findings.

(c) The Enforcement Officer may also:

1. Issue a written order to cease and desist all work;

2. Apply to a court of competent jurisdiction for a penalty as described by this chapter; and

3. Take steps to correct the results of the non-complying work and the reasonable costs of such steps shall be charged.

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(B) Set fire to, or permit any fire to burn when such fire or the heat therefrom will injure any portion of any tree located on city-owned property; or

(C) Cause reasonably avoidable damage to the root system by excavation, trenching or tunneling. A tree protection zone shall be required for existing trees in construction areas.

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97.20 SCOPE OF REQUIREMENTS.

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shall not be construed to prohibit owners of property adjacent to city-owned property from watering or fertilizing without a permit any tree located on such city-owned property;

(B) Trim, prune or remove any tree or portion thereof if such tree or portions thereof reasonably may be expected to fall on city-owned property and thereby to cause damage to persons or property;

(C) Place on city-owned property, either above or below ground level; a container for trees, shrubs or other plants;

(D) Damage, cut, tap, carve or transplant any tree, shrub or other plant located on city-owned property;

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(F) Dig a tunnel or trench on city-owned property.

(G) Should adhere to International Society of Arboriculture (ISA) best management practices.

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(C) Any tree, shrub or other plant or portion thereof whether located on city-owned property or on private property which by reason of location or condition constitutes an imminent danger to the health, safety or welfare of the general public;

(D) Any tree, shrub or other plant or portion thereof whether located on city-owned property or on private property which obstructs the free passage of pedestrians or vehicular traffic or which obstructs a street light or traffic-control device; and

(E) Any tree, shrub or other plant or portion thereof whether located on city-owned property or on private property which dangerously obstructs the view in the "visibility triangle" as such may be determined by the city's engineer pursuant to ordinance.

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(1) The Enforcement Officer shall cause written notice to be personally served or sent by registered mail to the person to whom was sent the tax bill for the general taxes for the last preceding year.

(2) Such notice shall designate the kind of tree which has been declared to be a public nuisance, its location on the property, the reason for declaring it a nuisance.

(3) Such notice shall describe by legal description or by street the premises.

(4) Such notice shall state the actions that the property owner may undertake to abate the nuisance.

(5) Such notice shall require the elimination of the nuisance no less than 60 days after the notice is delivered or sent to the person to whom was sent the tax bill for the general taxes for the last preceding year, excepting in cases of immediate emergency.

(6) Such notice shall include a copy of this chapter and a copy of 65 ILCS 5/11-20-11 and 5/11-20-12.

(C) The City Council is empowered to seek from any court of competent jurisdiction an order directing immediate abatement of any public nuisance.

OVERSIGHT AUTHORITY

97.50 DUTIES.

The City Manager and his designee(s) shall perform the following duties.

(A) The City Manager, Public Works Director and Enforcement Officer shall advise the City Council on any matters pertaining to this chapter and its enforcement, and shall be responsible for all city regulations concerning trees, shrubs and other plants, including, but not limited to, the following:

(1) Development, alteration and revision of an Urban Forestry Management Plan for the city;

(2) For amendments to this chapter and for enactment of additional ordinances concerning trees, shrubs and other plants;

(3) Establishment of policy concerning selection, planting, maintenance and removal of trees, shrubs and other plants;

(4) Establishment of educational and informational programs;

(5) Development of an annual application for tree city certification by the National Arbor Day Foundation;

(6) Recommend an annual budget for implementation of the Urban Forestry Management Plan; and

(7) Development of policies and procedures regarding the Arborist's duties.

(C) Shall hear all issues of the disputes which arise concerning the tree resources, and a recommendation shall be brought before the City Council. Nothing in this section shall be construed to limit the jurisdiction of any court with respect to such disputes.

ARBORIST

97.65 ESTABLISHED.

The position of the Arborist is hereby established. The Arborist should be ISA certified, or equivalent.

97.66 DUTIES.

(A) The Arborist shall assist in developing, and each subsequent year update, the Urban Forestry Management Plan. The Plan shall outline urban forestry program activities for a minimum of the next five years. This plan shall describe the urban forestry activities to be undertaken by the city, the reasons for those activities, the possible funding source(s), the means of accomplishing the activities, the alternatives available to the city to fund or accomplish the activity, the projected date of completion and the consequences if the activity is not completed. Activities may include, but are not limited to, street tree inventory, planting, tree removal, beautification projects and educational projects.

97.99 PENALTY.

Any person who violates any provision of this chapter or who fails to comply with any notice issued pursuant to this chapter, upon being found guilty of violation, shall be subject to a fine of not less than \$25, nor more than \$750, for each separate offense.

Each day during which any violation of the provisions of this chapter shall occur or continue shall be a separate offense. If, as a result of the violation of any provision of this chapter, the injury, mutilation or death of a tree located on city-owned property is caused, the cost of repair or replacement of such tree shall be borne by the party in violation.

SECTION 2-REPEAL: All prior Ordinances and/or Resolutions, which are inconsistent with the provisions of this Ordinance are hereby repealed.

SECTION 3-SAVINGS PROVISIONS: In the event any section, subsection, sentence or phrase of this Ordinance should be declared invalid, all other provisions hereof shall not be affected by such invalidity and shall remain in full force and effect.

SECTION 4-EFFECTIVE DATE: That this Ordinance shall become in full force after its passage, approval and publication in pamphlet form as provided by law.

Adopted this 14th day of January, 2020, at a regular meeting of the Mayor and City Council with a quorum present upon a vote of the Board as follows:

Bill Carpenter:	<u>Aye</u>
Mike Heath:	<u>Aye</u>
Kyle Littlefield:	<u>Aye</u>
Lisa Stephens:	<u>Aye</u>
Alan Gaffner:	<u>Aye</u>


Alan Gaffner, Mayor

ATTEST: Sue Ann Nelson
Sue Ann Nelson, City Clerk

Prepared by the City of Greenville.

STATE OF ILLINOIS - COUNTY OF BOND
CITY OF GREENVILLE

CERTIFICATE

I, Sue Ann Nelson, certify that I am the duly appointed and acting City Clerk of the City of Greenville, Bond County, Illinois.

I further certify that on January 14, 2020, the Corporate Authorities of such municipality passed and approved Ordinance No. 3215 entitled:

“AN ORDINANCE AMENDING CHAPTER 97: TREE PRESERVATION OF THE CITY CODE OF ORDINANCES, BY THE CITY OF GREENVILLE, BOND COUNTY, ILLINOIS”

Dated at Greenville, Illinois, this 15th day of January, 2020.

{SEAL}

Sue Ann Nelson

Sue Ann Nelson, City Clerk