



**2022  
BOROUGH OF DUMONT  
ORDINANCE**

MEMBERS	AYE	NAY	ABSTAIN	ABSENT
GORMAN	✓			
HARVILLA	✓			
KELLY	✓			
ROSSILLO	✓			
RUSSELL	✓			
STEWART	✓			
MAYOR LaBRUNO				
TOTALS	6			

Ordinance No. 1611 (revised) TABLED

Date: November 21, 2022

Page: 1 of 17

Subject: Shade Trees

Purpose: Amending Chapter 344 of Borough Code

Dollar Amount: \_\_\_\_\_

Prepared By: Marc Leibman, Esq.

Offered by: Kelly

Seconded by: Russell

**Certified as a true copy of an Ordinance Introduced and Passed on 1<sup>st</sup> Reading by the Governing Body of the Borough of Dumont on the above date at a Public Meeting by:**

*Jeanine E. Siek*  
 \_\_\_\_\_  
**Jeanine E. Siek, RMC, Municipal Clerk**  
**Borough of Dumont, Bergen County, New Jersey**

**ORDINANCE OF THE BOROUGH OF DUMONT, COUNTY OF BERGEN, STATE OF NEW JERSEY, AMENDING CHAPTER 344 OF THE BOROUGH CODE – SHADE TREES**

[HISTORY: Adopted by the Mayor and Council of the Borough of Dumont 3-4-2008 by Ord. No. 1358. Amendments noted where applicable.]

GENERAL REFERENCES

- Fire Department — See Ch. 36.  
Police Department — See Ch. 75.  
Brush, weeds and debris — See Ch. 139.  
Parks — See Ch. 283.  
Property maintenance — See Ch. 306.  
Streets and sidewalks — See Ch. 380.
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Article I  
**Purpose and Exemptions**

**§ 344-1 Purpose.**

The purpose of this chapter is to promote the general welfare of the people of the Borough of Dumont by:

- A. Providing for the regulation, planting, care, control, improvement, removal, preservation, and general protection of Borough trees in such a way as to protect and preserve the Borough environment with regard to public lands and public safety interests;
- B. Incorporating a Community Forestry Management Plan;
- C. Providing for standards and procedures in connection with Borough trees; and
- D. Prescribing penalties for violations of this chapter.

**§ 344-2 Community Stewardship Incentive Program practices.**

The Dumont Community Forest is recognized to be a living and constantly changing part of the Borough. As such, it is recognized that it is not possible to completely control, predict or prevent all events related to planting, growth, maintenance, decline, and death of trees. However, the general objective of this chapter is to establish a system for better managing this valuable resource through the program established under the New Jersey Shade Tree and Community Forestry Assistance Act, P.L. 1996, Chapter 135, and subsequent revisions thereto.

**§ 344-3 Exemptions.**

The following shall be exempt from the requirements of this chapter:

- A. Bergen County roads located in the Borough, without approval of the Bergen County Shade Tree Commission (if any) or, the Bergen County Department of Parks and Recreation;
- B. Any living woody, deciduous or coniferous species which does not qualify as a tree under the definitions of this chapter; and
- C. Utility and cable companies undertaking tree work to restore service or spot work to prevent interruption of electrical, telephone, telegraph, cable TV, Internet, or other wire or cellular services provided that such utility or cable company has complied with notice provisions.

## Article II Word Usage

### § 344-4 **Definitions.**

As used in this chapter, the following terms shall have the following meanings:

#### **BOROUGH**

The Borough of Dumont.

#### **BOROUGH TREE**

Any tree, as hereinafter defined, which is situated in or along any public property, park, field, public right-of-way, easement or encumbrance. Tree situation is evidenced by 100% of the root collar or base of the trunk at the entry point to the ground being upon Borough land, regardless of the location of the crown, roots, tilt of the trunk, or other part of the tree in relation to the property line.

#### **CODE ENFORCEMENT OFFICER**

An individual appointed by Council, who may, but need not be, a certified tree expert, a certified arborist, or who may be a Code Enforcement Officer of the Building, Public Works, Police or Fire Departments as designated by the Mayor and Council.

#### **COMMERCIAL BUFFER AREA**

A landscaped buffer area along all commercial side yard and rear yard lot lines.

#### **COMMISSION**

The Shade Tree Commission of the Borough of Dumont, including any of its agents, employees and duly appointed members. Also referred to herein as the Shade Tree Commission and/or "DSTC."

#### **COMMUNITY FOREST**

Collectively, all trees in or upon all public and private lands within the Borough of Dumont.

#### **COMMUNITY FORESTRY MANAGEMENT PLAN**

The Community Forestry Management Plan prepared from time to time for the benefit of the Borough, and as approved by the State of New Jersey, in keeping with the Community Forestry Program of the State of New Jersey.

#### **DIAMETER BREAST HEIGHT or DBH**

The diameter of a tree measured at a point on the tree four feet and six inches from ground level.

#### **GUARD**

A device placed on or about a tree with the purpose of preventing injury to such tree.

**HAZARD TREE**

A tree that has structural defects in the roots, stem or branches and which may cause the tree or part of the tree to fail, and where such failure may cause property damage or personal injury. Risk levels are assessed at low, medium or high in accordance with the USDA publication #NA-TP-03-03 entitled "Urban Tree Risk Management."

**HERITAGE TREE**

Any tree:

- A. With a DBH of at least 36 inches; or
- B. Of a particular historical significance specifically designated by official action of the Mayor and Borough Council with the approval of the DSTC.

**JOINT LAND USE BOARD**

The Joint Land Use Board of the Borough of Dumont.

**LANDSCAPER**

Any person engaged in the business of landscaping as a primary occupation.

**LARGE TREES**

Tree species attaining a height of 50 feet or more at maturity.

**MEDIUM TREES**

Tree species attaining a height of 25 feet to 50 feet or more at maturity.

**MEMBERS**

Duly appointed Members of the Commission.

**OVERGROWN TREE**

A tree that has exceeded a confined space as evidenced by less than 15% of the DBH as clearance between the root collar at ground level and a confining border such as a curb or sidewalk. (Example: A tree with 20 inches DBH would require three inches between the root collar where it enters the ground and the sidewalk or curb.)

**PERSON**

Any individual, association or individuals, partnership, corporation, developer, or entity other than the Borough.

**PRIVATE TREE**

Any tree, as hereinafter defined, which is situated in land other than Borough Land. Tree situation is evidenced by any portion of the root collar or base of the trunk at the entry point to the ground being upon private land, regardless of the location of the crown, roots, tilt of the trunk, or other part of the tree in relation to the property line.

**RIGHT-OF-WAY (ROW)**

The public property in the Borough of Dumont, which excludes private property, and is the jurisdiction of the Borough, and is inclusive of all land in and along any street up to the private property lines as shown on the Tax Map of the Borough of Dumont.

**SMALL TREES**

Tree species attaining a height of less than 25 feet at maturity.

**SPECIMEN TREE**

Any tree, which, by singular nature, species, condition, size, or location, imparts particular value to a property or landscape specifically designated by official action of the Mayor and the Borough Council with approval by the DSTC.

**STREET**

Any road, avenue, street or highway in the Borough dedicated to the public use.

**TREE**

Any living woody, deciduous or coniferous species, of any age after germination, which at maturity is expected to have a circumference of more than 10 inches, or three inches diameter, measured at DBH. Any species not qualifying as a "tree" under this definition shall be considered a "stem" and shall not fall within the purview of this chapter.

**TREE ACCOUNT**

A segregated interest-bearing account where the use of the funds is restricted under this chapter.

**TREE GUARD**

A permanent enclosure used to protect the trunk of a tree from injury.

**TREE PERMIT**

A permit issued by the Code Enforcement Officer, for the planting, maintenance or removal of a tree or trees on Borough land.

**TREE PIT**

A specially prepared area of land, which is surrounded by paving, curbs, sidewalks, or other impervious surfacing, and with specific requirements for protection and pedestrian safety.

**TREE REPLANTING REQUIREMENT**

A requirement to plant new trees when trees are removed, or under other conditions of this chapter.

**TREE TOPPING**

The severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown, to such a degree so as to remove the normal canopy and disfigure the tree

except where other pruning practices are impracticable or impossible with respect to trees severely damaged or causing obstructions to wires or cables subject to cable and utility company exemption.

#### **URBAN TREE RISK MANAGEMENT**

A publication of the USDA Forest Service # NA-TP-03-03 of complete title: "Urban Tree Risk Management: A Community Guide to Program Design and Implementation."

#### **UTILITY AND CABLE COMPANY**

Public utility or cable television companies entering the Borough for the purpose of erecting, installing, moving, removing, altering, or maintaining any structures or fixtures necessary for the supply of electric light, heat or power, communication, or cable television, cellular communications, or Internet services.

### **Article III**

#### **Community Forestry Management Plan**

##### **§ 344-5 Adoption of plan.**

Unless otherwise excepted by the Borough as inconsistent with the overall master plan or not in the best interests of the Borough, the Community Forestry Management Plan dated 10-16-2006, and as subsequently amended, is hereby adopted and the policies and procedures contained therein are incorporated by reference, including, by way of example and not limitation, the provisions involving goals, administration, training, public education, awareness and outreach, tree inventory, hazard management, planting, maintenance, waste recycling and disaster plans. To the extent there shall be any inconsistencies between this chapter and the Community Forestry Management Plan, this chapter shall govern. The Borough may require the Community Forestry Management Plan be amended, modified or supplemented to comply with or effectuate the purpose of this chapter or any amendments thereto.

##### **§ 344-6 Updates.**

The Community Forestry Management Plan shall be periodically updated for submission and approval, upon the timetable established or required by the State of New Jersey, for compliance with the New Jersey Community Forestry Program under the New Jersey Shade Tree and Community Forestry Assistance Act, P.L. 1996, Chapter 135, or as amended. Revised Community Forestry Management Plans shall be adopted by the Borough prior to submission to the State of New Jersey, subject only to modifications required by the state for approval.

### **Article IV**

#### **Protection and Maintenance**

##### **§ 344-7 Construction.**

All persons who shall conduct, or cause to be conducted, any erection, repair, alteration, construction, or other similar act near any tree, shall use best efforts to protect and preserve the trees in and about the area of such conduct.

**§ 344-8 Maintenance of trees.**

This section applies to any tree within the Borough which has any portion of the root collar or base of the trunk at the entry point to the ground being upon Borough land, regardless of the location of the crown, roots, tilt of the trunk, or other part of the tree in relation to the property line. The Borough shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the Borough as may be necessary to insure public safety, preserve or enhance the beauty or symmetry or public grounds, or effectuate the intent and purpose of this chapter. The Borough may remove or cause to be removed any Hazardous Tree or other tree or part thereof which is in an unsafe condition or which may be injurious to sewers, electric lines, gas lines, water lines, or other public improvements, or which is or may be infected with any fungus, insect or pest.

**§ 344-9 Borough projects.**

In the event that the Borough Engineer has determined that one or more Borough trees must be removed for the benefit of a Borough project or due to one or more Borough trees becoming a hazardous tree due to a Borough project, then:

- A. The Borough tree(s) and the stump(s) shall be removed; and
- B. The Borough tree(s) shall be replanted on a one-for-one basis with species, date of planting, location and size to be determined by the Borough Engineer.

**§ 344-10 Violations and penalties.**

The following practices are prohibited and shall constitute a violation if such practice continues by the same person, landscape company, or on or near the same private property. Notice of the violation condition shall allow a seven-calendar-day grace period, after which the property owner shall be subject to the proscribed violation penalty if the condition remains or continues. Second violations of the same type for the same property owner shall not allow such grace period. Violation Types 1, 2 and 4 shall not allow such grace period.

A. Violation Type 1, Unauthorized Removal:

- (1) Unauthorized removal of a Borough tree.

Penalty: Fine between \$500 and \$5,000.

B. Violation Type 2, Vandalism or Severe Preventable Damage:

- (1) Malicious vandalism of any Borough tree.
- (2) Cut, break, injure, disturb, install nails or other metal objects into, or interfere in any material manner with any Borough tree, or tree in a commercial buffer area;
- (3) Roots cut from a Borough tree in such a manner to destabilize the Borough tree.

- (4) Conduct any excavation without a permit within four feet of any Borough tree; and/or
- (5) Engage in any tree topping of a Borough tree as defined in this chapter;
- (6) Spray any Borough tree or near any Borough tree any chemical which may cause injury or death to said Borough tree, or place salt, brine, oil, or any other substance which is or may be injurious to plant growth on the ground, sidewalk or street area within 30 feet of the base of the Borough tree;
- (7) To build fires or station any kettle, road roller, fuel oil dispensing truck, or other engine in any street or other public place in such a manner that the heat, vapors, fuel or fumes injure a Borough tree.

Penalty: \$50 to \$2,500

C. Violations Type 3, Other:

- (1) Mulch installed to more than six inches deep at the base of a Borough tree.
- (2) Motorized trimmers and lawn mowers utilized in such a way to damage the bark or cambium layer of a Borough tree.
- (3) Soil applied in excess of six inches deep on top of the soil at the area under the drip line of a Borough tree.
- (4) To remove or injure any guard or device placed to protect any Borough tree.
- (5) To place salt or other substances injurious to plant growth in any street, park, and public place in such a manner to injure any Borough tree.
- (6) Fasten any rope, wire, sign, or other device to any Borough tree or to any guard about such Borough tree which causes permanent material damage to the tree;
- (7) Close or obstruct any open space about the base of any Borough tree which would prevent the access of air, water and fertilizer to the roots of such tree;
- (8) Every person having or maintaining utility lines in the street, park or public place shall maintain such lines in a manner as will safeguard the Borough tree against damage and make periodic adjustments whenever necessary to prevent damage to Borough trees.
- (9) Place or maintain in any street or ROW or park, any stone, cement, or other sidewalk or other substance which may impede the free access of air and water to the roots of any Borough tree, and, where any Borough tree is surrounded by pavement of stone, placement of cement or asphalt or any other substance tending to impede the free access of air and water to the roots of any Borough tree;



Penalty: \$50 to 250.

D. Violation Type 4, Heritage or Specimen Tree:

- (1) Violations, as listed above, against a heritage tree.
- (2) Violations, as listed above, against a specimen tree.

Penalty \$1,000 to \$5,000.

**§ 344-11 Borough intervention for public safety.**

The Borough may notify in writing any property owners of any tree(s) which may, for any reason, threaten public safety, and require the removal of any such tree(s), or pruning of such tree limbs, at the owner's expense and in accordance with the requirements of this chapter with such removal to occur within 60 days of the date of such notice. The Borough may remove such tree(s), or prune such tree limbs, in the event of owner's failure to cause such removal, and the costs thereof shall be included in the next property tax bill rendered to the owner. The Borough shall give reasonable notice of its intention to remove or prune, or cause the removal or pruning of any tree(s), or part thereof, unless public safety requires immediate removal, in which case no notice shall be necessary.

**§ 344-12 Diseased trees.**

The Borough shall have the power to administer treatment to or remove any tree(s) situated upon private land which is believed to harbor a disease or insects, or is within the recommended radius of a tree which is believed to harbor a disease or insects, readily communicable to neighboring healthy trees in the care of the Borough. The Borough shall have the right to enter upon private land for that purpose, with notice to the property owner thereof, provided that the suspected condition is first confirmed by a certificate by or on behalf of the Department of Agriculture. The cost of such treatment or removal shall be borne by the Borough. The Shade Tree Commission shall, from time to time, as permitted by volunteer availability inspect the trees within the Borough for evidence of disease and insects and communicate such finding to the Borough for action deemed necessary by the Borough.

**§ 344-13 Sewer service mains.**

All sewer laterals from private improvements to the point of tap at the public sewer main are the responsibility of the property owner to maintain regardless of the origination of any tree roots or other tree-related problem. The Borough shall not be responsible for clearance of tree roots, or replacement of sewer piping, or any other affiliated expense of sewer service mains. In the event that repair or replacement of the sewer lateral pipe would destabilize a Borough tree(s) and cause it (them) to become a hazard tree(s) according to USDA Forestry guidelines or in the opinion of the Borough Engineer or Arborist, then the property owner must remove and replace the Borough tree(s) at the property owner's expense. The replacement tree must be of a native species of a type and size as recommended by the Shade Tree Commission and approved by the Borough Engineer or Arborist. The replacement tree requirement may be waived by the Borough Engineer if, in the opinion of the Engineer good cause exists to grant such waiver.

§ 344-14 **Overhead utility lines.**

Property owners shall not prune or cause to be pruned any portion of any tree within 10 feet vertical or horizontal distance of a utility wire, inclusive of electric, cable and telephone wiring. Issues pertaining to such wires shall be reported to the utility company.

§ 344-15 **Sidewalk repairs and replacements, Borough Tree Removal**

- A. Property owners are responsible for the maintenance of sidewalks at all times. In the event that sidewalk work for repair or replacement becomes necessary for any reason, the property owner shall obtain a permit from the Building Department to permit such repair. The permit process shall include a review by the Building Department of any Borough tree(s) within the ROW. The Borough may, but is not obligated, remove any tree and/or stump which intrudes in any amount into the public right of way subject to availability of personnel, equipment, and funding, including such trees which may be contributing to a change in sidewalk elevation.
- B. In the event that repair or replacement of the sidewalk, in like and kind, would destabilize the Borough tree(s) and cause it (them) to become a hazard tree(s) according to a written opinion issued by a New Jersey Certified Tree Expert then the property owner must remove and replace the Borough tree(s), on a one-for-one basis, at the property owner's expense or

Reroute the sidewalk, within the ROW, with a minimum sidewalk width of three feet and a clear distance of at least 25% of DBH from the edge of the new sidewalk to the point where the root collar enters the soil; and/or

Regrade soils and the sidewalk, but the new sidewalk slope shall not exceed 1:12 ratio, or current ADA handicapped accessibility standards, and the soil height shall not be increased more than six inches; and/or

Use alternate materials, but such materials shall have a warranty period of at least 10 years.

- C. Duty of Adjoining Property Owners to Maintain and Replace Sidewalks in case any sidewalk becomes deteriorated, broken, or hazardous, the owner or occupant of the land abutting such sidewalk shall forthwith, upon receipt of written notice from the Township Engineer, replace or cause such sidewalk to be replaced and made in a good and passable condition so as to conform with the requirements of this article.

Article V  
**Planting Requirements**

§ 344-16 **Planting prohibitions.**

- A. No person shall plant any tree in any park or street, or other public land, or in the ROW, without the written permission of the Borough issued through a resolution of the council or directive from the Building Department or Borough Engineer. Planting on private land is not governed by or regulated by this article.

**§ 344-17 Adopt-a-Tree Program.**

If the DSTC deems that a new tree or replacement tree shall be planted, then the Borough may plant within the ROW as determined by the Borough Building Department. Property owners may be given the opportunity to participate in an Adopt-a-Tree Program which promotes planting of trees along Borough roadways. The Adopt-a-Tree program shall be administered by the DSTC and the Borough. The operation of a nursery to raise trees may be used to support the Adopt-a-Tree program as determined by the DSTC.

**§ 344-18 Dumont Shade Tree Commission approved tree lists.**

The Dumont Shade Tree Commission shall periodically review and prepare lists of native trees which are small, medium and large for planting consideration in public lands in the Borough. Such lists shall be kept on file at the Building Department and available to members of the public who may be interested in planting native species in a variety of sizes.

**§ 344-19 Planting technical criteria and requirements.**

A. Minimum spacing between trees. The spacing for planting of street trees shall be in accordance with the three size classes listed in § 344-4, Definitions, as follows:

	<b>Small Tree</b>	<b>Medium Tree</b>	<b>Large Tree</b>
	<b>(feet)</b>	<b>(feet)</b>	<b>(feet)</b>
Small tree distance to the nearest	15	15	15
Medium tree distance to the nearest	15	30	30
Large tree distance to the nearest	15	30	40

B. Confining elements. When practicable, the planting distance from curbs or curb lines and sidewalks or other paved areas shall be in accordance with the three size classes listed in § 344-4, Definitions, as follows: for a small tree, shall be one foot three inches, for a medium tree shall be two feet and for a large tree shall be four feet.

C. Distance from utilities. The distance from the center of the tree to the vertical plane through a utility line shall be as follows:

	<b>Small Tree</b>	<b>Medium Tree</b>	<b>Large Tree</b>
	<b>(feet)</b>	<b>(feet)</b>	<b>(feet)</b>
Underground water, gas or sewage mains, or oil fill pipes, or coal fill chute	6	12	16
Overhead electric, telephone and cable wires	0	4	4

D. Tree collar damage prevention. There shall be kept clear of lawn, vegetation and weeds an area of a minimum of one foot around the base of newly planted trees. The intent of this section is to prevent injury to the newly planted trees from lawn mowers and trimmers.

E. Fire safety. No street trees, or other woody plant material shall be planted, or allowed to branch into the ROW within:

- (1) Fifteen feet of a fire plug, a standpipe connection, or any other water connection point for Fire Department use; or
- (2) The area directly in front of the entrance and egress doors to a building.

F. Traffic and pedestrian safety. All trees to be planted in the ROW shall be approved by the Borough's arborist. No street trees, or other woody plant material shall be planted, or allowed to branch into the ROW within:

- (1) Twenty feet of the midpoint of the curb corner at any intersection;
- (2) Seven feet of a curb cut;
- (3) A location where the roadbed curves, in such a manner to block the view of drivers exiting any curb cut;

- (4) Twenty-five feet of a streetlight;
- (5) Thirty feet of a stop sign or traffic light;
- (6) Six feet of other traffic signs;
- (7) The area between five feet and 15 feet behind a parking meter where car doors are anticipated to open;
- (8) A zone where such tree or woody plant material does not allow a clear three-foot-wide pedestrian walkway to be maintained;
- (9) A zone within five feet from the curb at bus stops, for the full length of the bus in the stopped position.

G. Other planting requirements:

- (1) Tree species must be selected from the DSTC Approved Tree Lists of small, medium or large trees, or shall be reviewed by the DSTC on a case-by-case basis for authorization to plant.
- (2) Three or more trees of the same species may not be planted in immediate sequence proximity to each other. The purpose of this is to encourage biodiversity.
- (3) Tree(s) may be planted on either side of sidewalks in lawn areas where there is sufficient room within the ROW; however, the center of the new tree shall be set in at least one foot and six inches from the ROW border line.
- (4) Tree(s) may be planted in a tree pit at the curb line of a sidewalk, where the sidewalk extends to the curb, provided that the remaining sidewalk is not less than three feet clear, and provided that the tree pit is paved with a porous surface, such as cobbles or pavers set in sand, and that the tree pit is of the following sizes:

**Minimum Tree Pit Size**

<b>Tree Size</b>	<b>(feet)</b>
Small tree	3 by 4
Medium tree	5 by 10
Large tree	10 by 10

Article VI  
**Cost of Trees, Maintenance and Improvements**

**§ 344-20 Borough expenses.**

Subject to appropriations of personnel and financing, The Borough shall bear the cost of the following Community Stewardship Incentive Program (CSIP) goals:

CSIP 1	Plan Preparation
CSIP 2	Training in accordance with the NJDEP Community Forestry Program N.J.S.A. 13:1L-17.6, Establishment of minimum standards for care and management of trees
CSIP 3	Public Education and Awareness
CSIP 4	Arbor Day Celebration
CSIP 5	Assessment and Inventory
CSIP 6	Tree Hazard Identification Plan
CSIP 7	Tree Planting
CSIP 8	Tree Maintenance
CSIP 9	Tree Recycling
CSIP 10	Ordinance Establishment
CSIP 11	Tree Care Disaster Plan
CSIP 12	Insect and Disease Management
CSIP 13	Other Expenses Related to Borough trees

**§ 344-21 Voluntary planting and maintenance expenses.**

Private property owners may apply to the Borough to voluntarily plant or maintain a tree (or trees) in the ROW abutting the private property. Permission may be granted, provided the tree species, location and size is approved, in writing, by the Borough Arborist.

§ 344-22 -**Dumont Shade Tree Nursery**

**The DSTC shall administer a tree nursery to support tree education and planting in the Borough on public and private property.**

§ 344-23 **Segregated tree account and use of funds.**

All tree permit fees shall be deposited into a segregated interest-bearing account (Tree Account) administered by the Borough, and held for use by the Borough to promote planting, maintenance and administration of Borough Shade Trees and forestry related items, including, but not limited to:

- A. Tree planting;
- B. Public education regarding trees;
- C. Arbor Day observance or recognition;
- D. Pruning;
- E. Fertilizing
- F. Removal.

Article VII

**Tree Permits; Permit Revocation**

§ 344-24 **Tree permit.**

- A. The tree permit process shall be administered through the Building Department. Prior to issuance of a tree removal permit, the administering authority shall collect a fee of \$25 and review the Borough tax maps for certification that the tree intended for removal is not a Borough tree. Said tree shall be marked, in advance of the application submission, with a ribbon or tape around the base of the tree at 4.5 feet from the root base of the tree, so as to readily identify the tree as intended for removal. The review process shall be conducted within five business days, Saturdays, Sundays and state-recognized holidays excluded, from the date of submission, the date of submission not included. Following the review a permit can be issued if the designated tree is determined to be on private property and not a Borough tree. In the event a permit or denial is not issued by the close of Borough business on the fifth business day following submission, then the applicant may proceed with the removal as if a permit had been duly issued. **[Amended 9-17-2013 by Ord. No. 1455]**
- B. A tree permit is required per occurrence in the event that a property owner, or its contractor, employee, servant or agent, intends to conduct any of the following types of work at any private location within the Borough: to remove a tree of equal to or greater than six inches in caliper or equal or greater than 10 feet in height at any location within the Borough. **[Amended 9-17-2013 by Ord. No. 1455]**

- C. Any person, group, business or other entity violating this section and removing any tree without applying for a permit shall be liable, upon conviction or plea of guilty to same in the Municipal Court, for a fine of not more than \$100 for a first offense and not more than \$250 for a second or subsequent offense. **[Amended 6-21-2016 by Ord. No. 1503]**

**§ 344-25 Tree permit revocation.**

The Code Enforcement Officer, may revoke a tree permit where there has been a false or misleading representation, or where the certificate of insurance of a landscaper or tree contractor has been revoked or expired.

Article VIII  
**Interference with Borough**

**§ 344-26 Interference prohibited.**

It shall be unlawful for any person to prevent, delay, interfere or impair the Borough, or any of its agents, while engaging in any act to effect the purpose of this chapter.

Article IX  
**Violations**

**§ 344-27 Violations and penalties.**

Any person who violates any of the provisions of this chapter or who fails to comply with the terms and provisions of any permit issued pursuant hereto shall upon conviction in municipal court thereof, be liable for a fine at the discretion of the court in accordance with the Violation Penalty Schedule. Each day that a violation shall continue shall constitute a separate offense.

Article X

**§ 344-28 INTENTIONALLY OMITTED**

Article XI  
**Liability**

**§ 344-29 No liability for Borough or Commission.**

Nothing in this chapter shall be construed to make the Borough or the Commission nor any member responsible for the death or injury of any person, or for injury to any property or tree. Liability for any such death or injury shall be governed by relevant provisions of the New Jersey Tort Claims Act (N.J.S.A. 59:1-1).



This Ordinance shall be effective upon passage and publication as required by law.

Attest:

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Jeanine E. Siek, RMC  
Municipal Clerk

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Andrew LaBruno, Mayor

Introduced: November 21, 2022

Adopted: