



THE BOROUGH OF GLEN RIDGE
Essex County, New Jersey

ORDINANCE NO. 1588
Shade Tree Ordinance

BE IT ENACTED AND ORDAINED, by The Mayor And The Borough Council of The Borough Of Glen Ridge, in the County Of Essex and of The State Of New Jersey that Chapter 12.28 of the Code of the Borough of Glen Ridge is hereby repealed and replaced with the following:

1. Permission required for certain acts.

- a. No person, firm, corporation or individual connected with such firm or corporation shall do or cause to be done to any tree, shrub or plant within a public right-of-way or public place, either purposely, carelessly or negligently, without the permission of the Shade Tree Commission or its designee, any of the following acts:
 - i. Cut, prune, climb with spikes, break, damage or remove.
 - ii. Cut, disturb or interfere in any way with any root.
 - iii. Spray with any chemical.
 - iv. Fasten any sign or other device by wire or nail.
 - v. Remove or damage any guard or device placed to protect any tree or shrub.
- b. Nothing herein shall prevent any governmental agency from tying a public notice upon a tree in connection with administering governmental affairs.

2. Certain acts prohibited.

- a. No homeowner or anyone in employ of homeowner shall place substances injurious to plant growth in any public right-of-way or public place in such a manner as to injure any tree, shrub or plant growing thereon. The use of Calcium Magnesium Acetate or Potassium Chloride, is recommended for use by Homeowners to melt ice rather than Rock Salt as these products are environmentally-friendly and do not harm vegetation or corrode concrete surfaces.
- b. No homeowner or anyone in employ of homeowner shall build any fire or station any tar kettle, road roller or other engine in such a manner that the heat vapors or fumes therefrom may injure any tree, shrub or plant growing in any public right-of-way or public place.
- c. No homeowner or anyone in employ of homeowner shall prune any tree, shrub or plant within a public right-of-way or public place.
- d. None of the following acts are permitted, either by homeowner or anyone in the employ of homeowner:
 - i. Use, within (2) two feet of any public tree trunk, of a string trimmer or lawn mower or any other implement which could injure the trunk of any tree.
 - ii. Attachment of any sign by means other than tying same around the trunk of a tree.

- iii. Securing or tying any object, other than a sign as noted in item ii above, to a publicly owned tree.
- iv. Placement of mulch volcanoes on publicly-owned trees.
- e. No person or corporation shall, without the permission of the Shade Tree Commission or its designee, place or maintain or cause to be placed or maintained upon the ground in any public right-of-way or public place any stone, cement or other sidewalk or any other substance which shall impede the free access of air and water to the roots of any tree or shrub.
- f. No homeowner or anyone in employ of homeowner shall permanently damage or remove a publicly-owned tree or shrub.

3. Construction of sidewalks and streets in conflict with trees.

- a. Without the consent of the Shade Tree Commission or its designee, no person, firm or corporation is permitted to do any other act which would interfere with or do injury to any publicly-owned tree or its roots, including without limitation each of the following: (1) replacing any sidewalk which is a public right of way or (2) laying any sidewalk along any street or (3) opening, constructing, curbing or paving any street.
- b. Homeowners or their employees shall complete an application and appear before the Shade Tree Commission or its designee for approval of any activity that may be prohibited by "a." above prior to the start of the work.

4. General construction and excavation regulations.

- a. In the construction, altering or repairing of any building or structure, the owner or contractor thereof shall place tree protection guards or fences at the drip line around all trees in public rights-of-way or public places as will effectually prevent injury to such trees. Under no circumstances shall construction equipment or materials be allowed to be placed or stored within the drip line of trees within the public-right-of-way or public places.
- b. No person, firm or corporation shall do any excavating within the drip line of any tree or shrub in any public right of way or public place without the permission of the Shade Tree Commission or its designee. For the purpose of this ordinance "drip line" is defined as the area directly located under the outer circumference of the trees branches.
- c. Shovels and all other implements, machines and tools shall be used or operated in such a manner as not to damage or destroy any tree, shrub or plant in any public right-of-way or public place.
- d. Where in authorized excavations it becomes necessary to expose or cut the roots of public trees of more than one (1) inch in diameter, it shall be the duty of the contractor to protect such roots under advice from the Shade Tree Commission or its designee.

5. Written approval required for removal; determination of cost; deposit.

Any person requesting the removal or transplanting of any publicly owned tree must obtain written approval from the Shade Tree Commission or its designee. The Shade Tree Commission or its designee may grant such approval if it determines that the tree is of no advantage to the general public but to said person requesting the work, and if such person pays the cost of such work, said costs to be determined by the following:

- a. Said cost of removal or transplanting of a shade tree shall be based upon the size and condition of the tree. A deposit sufficient to cover the cost of said work shall be made before the work is started.

- b. In addition, replacement costs shall apply. The replacement assessment is determined by the value of tree or trees with total caliper equal to the Diameter at Breast Height of the tree or trees removed or damaged to the degree necessitating removal. For the purposes of this section, "Diameter at Breast Height" shall mean the diameter of the tree taken at a point 4.5 feet above ground level. The Commission shall modify the value of the tree based upon its species variety, location and its condition at the time of removal or destruction. Replacement trees shall be located within the right-of-way of the subject property as space permits or in other locations recommended by the Shade Tree Commission or its designee.

6. Removal of dangerous privately owned trees; notification of owner.

The Borough Arborist may move or require the removal of any tree, shrub or plant or part thereof dangerous to public safety at the expense of the owner of such tree, shrub or plant, upon first serving written notice to the owner of said tree, shrub or plant that same will be removed unless the owner removes same within one (1) week from the date of said notice or as determined by the Shade Tree Commission or its designee.

7. Planting in public rights-of-way.

No shade or ornamental tree or shrub shall be planted in any public land or in any public right-of-way without permission of the Shade Tree Commission or its designee.

8. Plantings: written request; replacements; type and selection.

- a. The Shade Tree Commission or its designee, by its discretion, will plant a tree in the public right-of-way for the property owner upon written request , provided that there is sufficient distance for the future growth of said tree, budget permitting.
- b. Replacement trees heretofore planted by the instruction of the Shade Tree Commission or its designee which have been removed because of disease, storm damage, accidents or natural causes will, in the discretion of the Borough Arborist, be replaced by the Shade Tree Commission or its designee at no charge to the property owner, provided that there is a minimum width of twenty-five (25) to thirty (30) feet between the trunks of standing trees on the same side of the street depending upon species, budget permitting.
- c. The type and selection of trees to be planted will be determined by the Shade Tree Commission in consultation with the Borough Arborist.

9. Homeowners' responsibilities for publicly owned trees planted on the right of way adjacent to their houses.

- a. The homeowner or agent is required to give sufficient and regular watering to ensure the health of the tree(s) .
- b. The homeowner or agent must apply proper mulching at the base of the tree or trees in accordance with standards of the Shade Tree Commission or its designee

10. Privately owned trees

The homeowner is responsible for the pruning and care of private trees on homeowner's property that overhang the public right-of-way and that may present a danger to the health, safety and welfare of the public.

11. Noninterference with Borough Arborist.

Town Arborist acts under the jurisdiction of the Shade Tree Commission.

No person shall prevent, delay or in any manner interfere with the Borough Arborist or his or her authorized agents or representatives in the performance of their lawful duties to protect the health, safety and welfare of the public.

12. Statutory powers.

In addition to the foregoing powers, the Shade Tree Commission and its representative, the Borough Arborist, shall have any and all such powers granted to it by N.J.S.A. 40:64-1 through 40:64-14.

13. Application for permission.

Where the permission, consent or approval of the Borough Arborist is required by the provisions of this chapter, any person, firm or corporation required to obtain such permission, consent or approval shall first make application therefore to the Borough Arborist, Township of Glen Ridge, County of Essex.

14. Violations and penalties.

- a. Any owner or occupant of lands in the Borough or any agent of the foregoing who violates or refuses to comply with the terms of Section 2.f shall be liable for the payment of a fine.
 - i. For the first and second offense, a penalty of twenty-five dollars will be imposed;
 - ii. For the third and each subsequent offense, the penalty may not be less than fifty dollars or more than one hundred dollars.
- b. In addition to the penalties authorized above, any owner or occupant of lands in the Borough or any agent of the foregoing who removes, damages, and/or otherwise destroys a tree or trees on public land or on a public right-of-way may be required to pay a replacement assessment as determined by section 5. to the Borough of Glen Ridge.
- c. Any owner, occupant of lands or agent thereof in the Borough who shall neglect or refuse to comply with the terms of Section 2.a,b,c,d,e shall, upon conviction, be subject to a fine:
 - i. For the first and second offense, a penalty of twenty-five dollars will be imposed;
 - ii. For the third and each subsequent offense, the penalty may not be less than fifty dollars or more than one hundred dollars.

15. Failure to comply—Lien on property.

In case of the refusal or neglect of any owner or occupant of land or any agent of the foregoing to comply with this chapter, the council may after notice take or cause corrective or replacement actions, and that the cost of said actions, as ascertained by the Borough Council, with interest thereon, shall be added to and form a part of the taxes next to be levied and assessed upon such land, and shall be a lien upon such lands until the same shall be paid.