

Municipal Shade Tree Commissions

Text For Governing Body

Supplemental Ordinances

AN ORDINANCE PROVIDING FOR THE PLANTING, CONTROL, PROTECTION, REGULATION AND IMPROVEMENT OF SHADE TREES AND SHRUBBERY UPON PUBLIC HIGHWAYS AND PUBLIC PLACES IN THE TOWNSHIP OF LAKELAND, IN THE COUNTY OF EUREKA AND STATE OF NEW JERSEY.

PURSUANT TO THE AUTHORITY (R.S.40:645D as amended Public Laws of New Jersey, 1996 Chapter 42) VESTED IN THE LAKELAND TOWNSHIP, EUREKA COUNTY, SHADE TREE COMMISSION, IT DOES HEREBY ENACT THE FOLLOWING REGULATIONS:

Sec. 1 DEFINITIONS:

- A. SHADE TREE COMMISSION shall mean the Shade Tree Commission of the Township of Lakeland.
- B. The term STREET shall mean:
- (1) Any public street, designated by the governing body, to be within the jurisdiction of the Shade Tree Commission.
 - (2) Municipal Parks and Parkways.
 - (3) County Roads.
 - (4) State Highways.
- C. The term TREE shall mean:
- (1) Trees and shrubs.
- D. PERSON shall mean every person, firm, association, partnership, and corporation.

E. The term PUBLIC UTILITY COMPANY shall refer to a public utility as defined in the Revised Statutes of The State of New Jersey (R.S. 48:2-13).

F. The term PLANT CONSTRUCTION as applied to public utility companies shall mean poles, wires, cables, sub-surface conduits, pipes, manholes and appurtenant facilities of such companies installed in a street.

Sec. 2 REQUIRED PERMITS (NON-UTILITY OPERATIONS)

- A. NO PERSON SHALL DO any of the following acts to any tree on a street WITHOUT THE PRIOR PERMIT of the Shade Tree Commission:
- (1) Cut, prune, climb with spikes, break, damage or remove or kill.
 - (2) Cut, disturb or interfere in any way with any root.
 - (3) Spray with any chemical.
 - (4) Fasten any rope, wire, sign or other device. (Nothing herein shall prevent any governmental agency from affixing in a manner approved by the Shade Tree Commission a public notice upon a tree in connection with administering governmental affairs.)

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- (5) Remove or damage any guard or device placed to protect any tree or shrub.
- (6) Conduct razing, removal or renovation of any structure if deemed, by the Commission, to be damaging to neighboring street trees.
- (7) Place or distribute chemicals, including, but not limited to, salt deleterious to tree health.
- (8) Maintain a stationary fire or device which vaporizes noxious fumes deleterious to tree health.
- (9) Remove soil, either for trenching or otherwise.
- (10) Construct new sidewalks and/or driveways with any material whatsoever within 5 feet of a tree.
- (11) Plant any tree or shrub within the designated area under the control of the Commission.

Sec. 3 REQUIRED PERMITS: UTILITY OPERATIONS; EXCEPTIONS

- (A) The Shade Tree Commission may grant to PUBLIC UTILITY COMPANIES a blanket permit for (1) tree pruning for line clearance and (2) for the installation and maintenance of sub-surface and above ground Plant

Construction if there is interference with or endangerment to street trees.

- (B) PUBLIC UTILITY COMPANIES may, during periods of emergency, without specific prior permit (1) install temporary attachments to trees and (2) make emergency sub-surface repairs.
- (C) Each PUBLIC UTILITY COMPANY shall exercise reasonable diligence in the maintenance of its Plant Construction so as to avoid damage to trees under the jurisdiction of the Lakeland Township Shade Tree Commission.

Sec. 4 ISSUANCE OF PERMITS

- A. Requests for permits required by the provisions of this ordinance for the performance of work should be directed to the Shade Tree Commission, Lakeland Township, Eureka County, New Jersey.

Sec. 5 VIOLATION AND FINES

- A. Any person found guilty of violating any of the provisions of these regulations shall, upon conviction by a Magistrate officiating within the Lakeland Township, County of Eureka, be fined a sum not exceeding two hundred dollars (\$200.00) for each offense. Each day any violation of this ordinance shall continue shall constitute a separate offense.

In addition to the fine of \$1500.00 referred to in section A, a

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municipality may impose an additional penalty of an assessment paid to the municipality based upon the value of the tree as determined by a Certified Tree Expert or trained forester or by the formula of not exceeding \$27.00 per square inch of a cross section of the trunk measured 4.5 feet above ground level. This amount shall be modified by the tree's species variety, location, and its condition at the time of damage or destruction.