

**BOARD OF SHADE TREE  
AND PARK COMMISSIONERS  
BOROUGH OF PARAMUS  
Ordinance No. ST-1**

**AN ORDINANCE REGULATING THE PLANTING, CONTROL, PROTECTION AND IMPROVEMENT OF TREES AND SHRUBBERY UPON THE PUBLIC STREETS, PARKS AND PUBLIC PLACES IN THE BOROUGH OF PARAMUS, COUNTY OF BERGEN AND STATE OF NEW JERSEY,**

*BE IT ORDAINED* by the Board of Shade Tree and Park Commissioners of the Borough of Paramus, New Jersey as follows:

**SECTION 1. DEFINITIONS.**

As used in this ordinance, the terms hereinafter set forth shall be defined and deemed to have the following meanings:

**COMMISSION:** The Board of Shade Tree and Park Commissioners of the Borough of Paramus including any of its duly appointed members and any of its duly authorized agents or employees.

**PERMITS:** Written permission of the Commission. Whenever pursuant to any provision of this Ordinance, the Commission shall have occasion to pass upon an application for a permit, it shall, in determining whether or not to issue such permit, take into consideration the nature, species, size, age and condition of any tree involved; the location thereof in the street or park, the planting, care, protection, maintenance or removal procedures involved; the public safety and welfare; and the improvement and advancement of the shade tree plan or program of the Commission.

**PERSON:** Any individual, firm, partnership or corporation, or any combination thereof. Where, in the proper context, it is so required, this term may be construed to designate the plural as well as the singular.

**STREET:** Any road, avenue, street or highway, dedicated to the public use for street purpose, regardless of whether or not it has been formally accepted by the Borough Of Paramus. A street shall be deemed to include all portions lying between the dedicated or established right-of-way lines and/or planting easement thereof, said lines being identical with the front property lines of lands abutting the street.

**TREE:** Any tree, shrub or plant, or any root, branch, flower, or other part thereof that is located in or upon any street or park. Any term or provision of this ordinance that contemplates, directs, regulates or prohibits the doing of any act may, in applicable cases and where the context so requires, be construed to include the causing, allowing, permitting or suffering of such act to be done by others under the direction, control or supervision of the person charged therewith. Every such act shall be deemed to be within the scope of this ordinance, regardless of whether it is a deliberate, intentional or purposeful act, or a careless, negligent or unintentional act.

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**SECTION 2. PERMITS.**

No person shall, without a permit do any of the following acts:

- Cut, prune, break, injure, remove disturb or interfere in any way with any tree;
- Spray with any chemical any tree or near a tree to cause injury or death to said tree;
- Fasten any rope, wire, sign or other device to a tree or to any guard about such tree;
- Remove or injure any guard or device placed to protect any tree;
- Close or obstruct any open space provided about the base of a tree to permit the access of air, water and fertilizer, to the roots of such tree.

**SECTION 3. PLANTING.**

No person shall plant any tree or shrub in any park or street without a permit.

**SECTION 4. OBSTRUCTIONS.**

- (a) No person shall, without a permit, place or maintain in any street or park, any stone, cement, or other sidewalk or any stone, cement, or other substance which shall impede the free access of air and water to the roots of any tree.
- (b) Where any tree is to be surrounded by pavement of stone, cement, asphalt or any other substance tending to impede the free access of air and water to the roots of the tree, no portion of such pavement shall be nearer to any portion of the base of the trunk than four (4) feet.

**SECTION 5. INJURY.**

- (a) No person shall place salt, brine, oil or any other substance injurious to plant growth. in any street or park in such a manner as to injure any tree.
- (b) No person shall build any fire or station any tar kettle, road roller, fuel oil dispensing truck. or other engine in any street or any other place in such a manner that the heat, vapors, fuel. or fumes therefrom may injure any tree.
- (c) Every person, having or maintaining any underground utility lines in any street or park shall maintain such lines in such a manner as will safeguard the trees against any damage therefrom and shall make periodical adjustments whenever necessary to prevent damage to trees.

**SECTION 6. PROTECTION.**

- (a) In the erection, alteration, or repair of any structure or building. the owner, contractor, or other person in charge thereof shall place such guards around all nearby trees as will effectually prevent injury to such trees.
- (b) No person shall do any excavating within four (4) feet of any tree without a permit.
- (c) No person shall use or operate any power shovel, bulldozer or any other implement or tool in such a manner as to damage or destroy any tree.

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**SECTION 7. WIRES AND UTILITY TRIMMING.**

- (a) No person shall string any wires in or through a public park or property without a permit.
- (b) Every person having or maintaining any electric, telephone, telegraph, cable TV, or other wires running in or through a street or park, shall securely fasten and maintain such wires in such manner as will safeguard all trees against any damage therefrom and shall make periodical adjustments whenever necessary to prevent damage to all trees.
- (c) No person shall, without a permit, attach or fasten any wire, insulator, or other device for holding any wire to any tree.
- (d) Whenever the Commission shall deem it necessary to prune or remove any tree, any person having a wire running in or through any street or park, shall temporarily remove such wire within 24 hours after the service upon the owner of said wire, or his agent, of a written notice to do so.
- (e) Any public utility or its agents may upon receiving (written) permission from the Commission at least 72 hours prior to the start of work, prune or remove trees for line clearance of utility wires in non-emergency situations pursuant to a line clearance program.
- (f) Any public utility or its agents may undertake emergency tree work to restore electrical service or spot work to prevent interruption of electrical, telephone, telegraph, cable TV, or other wire services. In such event the utility will notify the Commission of said work within three (3) business days of its beginning.

**SECTION 8. PARKS.**

- (a) No person shall enter upon any portion of the lawn or ground within a public park or other public place when notified by a sign placed in such a park or public place, or by a guardian of such park or public place, or by a police officer, not to enter upon such lawn or ground.
- (b) No person shall leave or deposit any paper or other Waste material in any public park, except in such receptacle as maybe provided therein for that purpose.
- (c) No person shall, except at such time and under such regulations as may be designated by the Commission, play at any game in a public park.
- (d) No person shall, without a permit, place any booth, stand, or other structure, or station wagon, car or other vehicle in any public park, except in the area prescribed.
- (e) No person shall offer any article for sale, display any advertising device or distribute any commercial circulars or cards, or political activity and/or signs in a public park

**SECTION 9. HINDRANCE.**

No person shall prevent, delay, or in any manner interfere with the Commission or its authorized agents in the performance of their lawful duties.

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**SECTION 10. PENALTIES.**

Any person who violates any of the provisions of this Ordinance or who fails to comply with the terms and provisions of any permit issued pursuant hereto shall upon conviction in municipal court thereof, pay a fine of not less than Two Hundred (\$200) dollars or to exceed Fifteen Hundred (\$1500) dollars at the discretion of the court. Each day that a violation shall continue shall constitute a separate offense.

**SECTION 11. RESTITUTION.**

In addition to the penalties authorized by Section 10 of this ordinance, the Commission may require a person who removes or otherwise destroys a tree in violation of a municipal ordinance to pay a replacement assessment to the municipality. The replacement assessment shall be the value of the tree as determined by the appraisal of a trained forester or Certified Tree Expert retained by the Commission for that purpose. In lieu of an appraisal, the Commission may adopt a formula and schedule based upon the number of square inches contained in a cross section of the trunk of the tree multiplied by a predetermined value per square inch, not to exceed \$27.00 per square inch. The square inch cross section shall be calculated from the diameter at breast height and, if there is a multiple stem tree, then each trunk shall be measured and an average shall be determined for the tree. For the purposes of this Ordinance, "diameter at breast height" shall mean the diameter of the tree taken at a point 4 1/2 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.

**SECTION 12.**

All Ordinances, rules and regulation parts of any ordinances, rules and regulations which are inconsistent with any provisions of this ordinance are hereby repealed as to the extent of such inconsistencies.

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**SECTION 13.**

This ordinance shall take effect immediately upon publication thereof after final passage and approval as required by law.

ORIGINALLY PASSED: February 28, 1952.

AMENDED: August 11, 1982; March 11, 1992.