

Chapter 228

TREES

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[HISTORY: Adopted by the Mayor and Council of the Borough of Wood-Ridge 7-18-1994 as Ord. No. 94-18. Amendments noted where applicable.]

GENERAL REFERENCES

Shade Tree Commission — See Ch. 72.
Brush, grass, weeds and other debris — See Ch. 110.
Subdivision of land — See Ch. 220.

§ 228-1. Definitions.

A. As used in this chapter, the terms hereinafter set forth shall be defined and deemed to have the following meaning:

COMMISSION — The Board of Shade Tree Commissioners of the Borough of Wood-Ridge, including

any of its duly appointed members and any of its duly authorized agents or employees.

PERMIT — Written permission to act, pursuant to the provisions of this chapter, by the Commission. Whenever, pursuant to any provision of this chapter, 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 purposes, regardless of whether or not it has been formally accepted by the Borough of Wood-Ridge. 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.

- B. Any term or provision of this chapter 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 chapter, regardless of whether it is a

deliberate, intentional or purposeful act or a careless, negligent or unintentional act.

§ 228-2. Acts requiring permits.

- A. No person shall, without a permit, do any of the following acts:
- (1) Cut, prune, break, injure, remove, disturb or interfere in any way with any tree.
 - (2) Spray with any chemical any tree or near a tree to cause injury or death to said tree.
 - (3) Fasten any rope, wire, sign or other device to a tree or to any guard about such tree.
 - (4) Remove or injure any guard or device placed to protect any tree.
 - (5) Close or obstruct any open space provided about the base of the tree to permit the access of air, water and fertilizer to the roots of such tree.
- B. Planting. No person shall plant any tree or shrub in any park or street without a permit.
- C. Obstruction.
- (1) No persons 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 root of any tree.
 - (2) 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.

§ 228-3. Injurious acts prohibited.

- A. No person shall place salt, brine, oil or any other substance injurious to plant growth in any tree in such a manner as to injure the 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.

§ 228-4. Protection during construction and excavation.

- 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 tree.
- 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.

§ 228-5. 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 television 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 periodic 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 twenty-four (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 seventy-two (72) hours prior to the start of work, prune or remove trees for line clearance of utility wires in nonemergency 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 television or other wire services. In such event, the utility will notify the Commission of said work within three (3) business days of its beginning.

§ 228-6. Park regulations.

- 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 a 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 receptacles as may be 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 of political activity and/or signs in a public park.

§ 228-7. Interference with Commission.

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

§ 228-8. 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, pay a fine of not less than two hundred dollars (\$200.) or to exceed one thousand five hundred dollars (\$1,500.), at the discretion of the Court. Each day that a violation shall continue shall constitute a separate offense.

§ 228-9. Restitution for removal or destruction of trees.

In addition to the penalties authorized by § 228-8 of this chapter, 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 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 twenty-seven dollars (\$27.) 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 chapter, "diameter at breast height" shall mean the diameter of the tree taken at a point four and one-half (4^{1/2}) feet above ground level. The Commission shall modify the value of the tree based upon its species variety, location and condition at the time of removal or destruction.