

TOWNSHIP OF SOUTH HACKENSACK  
COUNTY OF BERGEN

**ORDINANCE NO. 2013-01**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 182 OF  
THE CODE OF THE TOWNSHIP OF SOUTH HACKENSACK ENTITLED  
“SHADE TREES”**

**Be it Enacted and Ordained**, by the Township Committee of the Township of South Hackensack that Chapter 182 entitled “Shade Trees” is amended and supplemented as follows:

**SECTION I.**

**182-2 Definitions:**

**Diameter at the Point of Measurement is amended as follows:**

**Circumference at the Point of Measurement: or CPM means the circumference of a tree measured at a point on the tree six (6) inches from ground level on the downhill side.**

**Regulated Tree**- Any tree which has attained at least 30 feet in height or a CPM of at least eight inches prior to any limb removal or other such activity.

**Removal**- Any activity which results in the cutting down completely or substantially eliminates a living regulated tree from the Township’s tree stock. For purposes of this chapter substantially eliminates shall mean the pruning or removal of more than twenty percent (20%) of the tree including diseased and live branches. Said determination shall be made by the Shade Tree Commission or its representative in their sole and absolute discretion.

**Removal Period** A period of time beginning on the date of a decision rendered under this chapter requiring action and ending upon a date eight (8) months thereafter.

**Replacement Plan**- A plan developed in accordance with and conforming to the provisions of this chapter which has been approved by the Shade Tree Commission.

**182-3 Cutting or Removal Restricted**

With the exception of the exemptions set forth in this chapter no person shall cut, prune or remove or cause to be cut, pruned or removed any regulated tree upon the lands within the Township of South Hackensack unless said cutting, pruning or removal is performed in strict accordance with the provisions of this chapter.

**182-5 Project permit application process**

**A.** Project permit application submission: A tree removal project permit application shall be submitted to the Shade Tree Commission.

**C.** The Shade Tree Commission shall review the application to determine whether such project complies with this chapter and shall provide written notice to the applicant indicating one of the following determinations:

(1) The project permit is granted; or

(2) The project permit is granted subject to the prescribed conditions attached to such notice.

(3) The project permit is denied, in which event the written notice shall state the reasons for said denial and shall advise the applicant of its right to appeal to the Township Committee within twenty (20) days of said denial. Failure to file an appeal within said time frame shall be deemed a waiver of such right.

**D.** The Shade Tree Commission shall make the foregoing determination and prepare and furnish the foregoing notices within sixty (60) days following the submission of a complete application.

**E.** Failure of the Shade Tree Commission to make such determination within the said sixty (60) day period and any extension granted by the applicant shall be deemed an approval of the project.

**F.** Any proposed change in the approved project shall be submitted to the Shade Tree Commission for approval in the same manner as the original application for approval of the project.

#### **182-6 Tree Replacement Plans (For All New Construction, Additions or Alterations)**

**E.** Any new residential construction shall include a plan for the planting of at least two shade trees approved as to location, type and size by the Shade Tree Commission and shall avoid placement under utility wires and in areas which would be prone to root disturbance of sidewalks or curbs. Any alteration or addition to a residential structure that exceeds five hundred (500) square feet shall include a plan for the planting of at least one shade tree approved as to location, type and size by the Shade Tree Commission.

**F.** Any plan for new construction or alteration of commercial or industrial building which exceeds five hundred (500) square feet shall include a plan, in addition to the tree replacement plans set forth herein, for the planting of one shade tree for each five hundred square feet of construction up to five thousand square feet and one tree for each one thousand square square feet of new construction or alteration thereafter. The location, type and size of the Shade Tree shall be approved by the Shade Tree Commission.

#### **182-7 Tree replacement fund**

In certain circumstances, the Shade Tree Commission may authorize a contribution to the Township's Shade Tree Commission Tree Fund in lieu of planting replacement trees on site where it determines that the purposes of this chapter would be furthered thereby. Such contribution shall bear a reasonable relationship to the cost of planting trees which would otherwise be required under section 182-6 of this chapter but in no case shall be less than \$300 per required tree.

#### **182-10 Fees**

**B.** An escrow shall be established in the minimum amount of \$300 per tree to be removed and replaced or planted in accordance with this chapter which shall be retained until such time that the tree replacement or planting plan is complete. In the event that the tree replacement or planting plan is not completed within eight (8) months of approval plus any extension granted by the Shade Tree Commission, the Township may use such escrow to complete the tree replacement or planting plan or in lieu thereof deposit said escrow in the Shade Tree Fund.

#### **SECTION II. Severability:**

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

#### **SECTION III. Repealer:**

Any ordinance or portion thereof which is inconsistent with this ordinance is hereby repealed to the extent of said inconsistency.

**SECTION IV. Effective date:**

This Ordinance shall take effect upon passage and publication as required by law.

Introduction: March 7, 2013

Motion: Eckel

Second: Regan

Roll Call Vote: Brugger, Cagas, Eckel, Regan & Stefano

Adoption: April 4, 2013

Motion: Eckel

Second: Regan

Roll Call Vote: Brugger, Eckel & Regan

**ATTEST**

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**Donna L. Gambutti, Township Clerk**

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**Frank Cagas, Mayor**