

**TOWNSHIP OF SOUTH HACKENSACK
COUNTY OF BERGEN**

ORDNANCE NO. 2018- 02

**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:

Approved Replacement Tree- An approved replacement tree is any tree set forth on the list of trees prepared annually by the Shade Tree Commission in accordance with the Powers and Duties set for in 182-13(B) herein.

Regulated Tree- Any tree located in the Greenbelt as the same is defined herein which has attained at least 30 feet in height or a CPM of at least Twelve inches (12") prior to any limb removal or other such activity.

Greenbelt- The area from the curbline to the front façade of any structure. Where the side façade is perpendicular to the curbline, such as a corner lot, said area shall be considered to be in the greenbelt.

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. In the event of removal of any regulated tree by the Township set in the area between the curbline and the sidewalk the Township shall have a period not to exceed one year to replant an approved replacement tree.

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 and ANSI 300 Standards.

182-8 Exemption

H. Conditional Exemptions- Trees located upon private property and outside the greenbelt as defined herein. The proposed removal or pruning of said trees shall be reported to the Township in advance of any such activity. An administrative fee of \$5.00 shall be charged. Anyone who removes a tree under this exemption shall be subject to the following schedule for tree replacement/ tree bank contribution for each tree removed.

Size/Diameter (Inches)	# of Replacement Trees	Replacement tree size	Tree Bank
Greater than 12"- 16"	2	2 to 2 ½ "	\$560
Greater than 16"- 23"	3	2 to 2 ½"	\$840
Greater than 23"- 30"	4	2 to 2 ½ "	\$1, 120
Greater than 30"	5	2 to 2 ½ "	\$1,400

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 completed. 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. Said fees shall not apply in the event that the Shade Tree Commission or its designated agent has determined that a tree should be removed due to disease, death or excessive damage. The elimination of a fee in said instance does not however negate the obligations set forth in this chapter for tree replacement and/or tree bank contribution.

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.

Motion: Anzevino
Second: Encarnacion
Roll Call Vote: Anzevino, Brugger, Cagas, Encarnacion & Perdomo
Introduction February 8, 2018

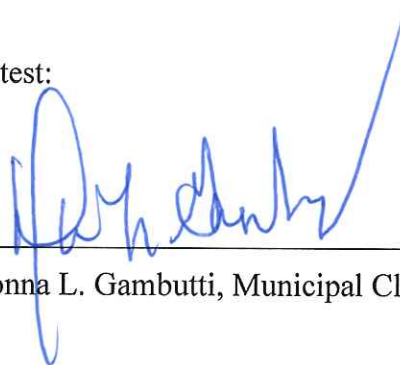
Adoption: March 8, 2018
Motion: Anzevino
Second: Brugger
Roll Call Vote: Anzevino, Brugger, Cagas, Encarnacion & Perdomo

Approved:



Gary Brugger, Mayor

Attest:



Donna L. Gambutti, Municipal Clerk