

TOWNSHIP OF MAPLEWOOD



ORDINANCE

#2580-09

**AN ORDINANCE
TO AMEND
CHAPTER 227
OF THE CODE OF THE TOWNSHIP OF MAPLEWOOD
ENTITLED
"SHADE TREES"**

"Interpretive Statement"

This ordinance will amend certain language with regard to the removal of a tree or trees on private property.

BE IT ORDAINED, by the Township Committee of the Township of Maplewood, County of Essex, State of New Jersey that Chapter 227 of the Code of the Township of Maplewood entitled "Shade Trees" be amended as follows:

FIRST:

Section 227-8 Permit Required

Shall be amended to read:

No person shall remove any tree twelve (12") inches or more in caliper, or authorize the removal of such tree, on any land within the Township of Maplewood unless the owner of such tree or the person authorized by the owner to remove said tree shall first obtain a permit in accordance with the following:

A. Said person shall have submitted an application to the Shade Tree Supervisor which shall:

- 1) Identify the property upon which the tree or trees are located;
- 2) Disclose the name and address of the owner and any agent of the owner duly authorized for this purpose;

- 3) Set forth the reasons for requesting a permit to cut or remove said tree or trees;
- 4) State who owns the tree or trees;
- 5) Have attached a diagram or other document which accurately sets forth the location of the tree or trees;
- 6) Provide that if the removal is conducted by a tree removal contractor, that contractor shall have adequate insurance;
- 7) Contain a representation by the contractor that it will comply with all applicable State, OSHA, and ANSI standards;
- 8) Contain a representation by the applicant that he/she will notify the Maplewood Police Department of the date of removal so that the Maplewood Police Department may close any street required for the safe removal of the tree or trees.

B. Said person shall have provided written notice, by certified mail, return receipt requested, of his/her application to all owners of properties which abut the property on which the subject tree or trees are located, at least ten (10) days prior to the date of application.

C. The Township's Shade Tree Supervisor shall have reviewed the application and shall have determined, in his/her discretion, to issue said permit, due consideration having been paid to the following:

- 1) Whether the proposed removal would impair the growth and development of the remaining trees on the applicant's property or adjacent property.
- 2) Whether the proposed removal would adversely impact existing drainage patterns.
- 3) Whether the proposed removal would cause soil erosion or increased dust.
- 4) Whether the proposed removal would constitute a significant change in the screening with respect to buildings on contiguous lots.
- 5) Whether the proposed removal would constitute a horticulturally advantageous thinning of an existing overgrown area.
- 6) What overall effect the removal would have on the physical and aesthetic value of the property.
- 7) Whether proposed or necessary changes in the topography of the area where such tree or trees are located will depress land configuration so as to be injurious to other trees located nearby, and

whether these changes will require welling, construction of any aerification system, or other tree removal or replacement.

- 8) Whether the continued presence of the tree or trees sought to be removed is likely to cause hardship or will endanger the public or any other adjoining property owner by reason of its being diseased or dead or for some other adequate reason within the intent of this ordinance.
- 9) None of the above considerations shall have greater weight than any other consideration.

D. No permit shall be issued for the removal of an historic, rare or specimen tree, as defined in this ordinance, unless the Shade Tree Supervisor finds that the condition of the tree poses a real and significant danger to persons or property in the immediate area of such tree.

E. The Shade Tree Supervisor shall determine whether or not to issue a permit within twenty (20) days from the filing of the application and, in the event of partial or complete disapproval, shall provide written reasons for such decision. Where appropriate, the Supervisor shall indicate guidelines and other measures which must be taken in order to preserve other trees, persons, or property from damage caused by the removal operation.

F. Any permit issued by the Shade Tree Supervisor shall require the applicant to wait ten (10) business days before removal of any trees.

G. The Shade Tree Supervisor shall notify all abutting property owners as listed in the application of his decision.

SECOND:

All other provisions of Chapter 227 shall remain unchanged.

THIRD: Severability

If any section, paragraph, subparagraph, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the specific section, paragraph, subparagraph, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

FOURTH: Repeal of Prior Ordinances

Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance be and the same are hereby repealed to the extent of any such inconsistencies.

FIFTH: Effective Date

This Ordinance shall take effect after final passage and publication and as provided by law.

PUBLIC NOTICE is hereby given that the foregoing proposed Ordinance was introduced and read by title for the first time at a meeting of the Township Committee of the Township of Maplewood, held on March 3, 2009, and that Committee met again on March 17, 2009, at 7:30 p.m. at the Municipal Building, 574 Valley Street, Maplewood, New Jersey, at which time and place the Committee proceeded to consider the said Ordinance on second reading and final passage.

ELIZABETH J. FRITZEN, R.M.C.
Township Clerk