

Borough of Stanhope

Sussex County, New Jersey

~Ordinance 2021-14~

AN ORDINANCE AMENDING CHAPTER 53 “SHADE TREE COMMISSION” OF THE CODE OF THE BOROUGH OF STANHOPE TO AMEND SECTIONS 53-6 AND 53-7

WHEREAS, the Borough desires to amend certain prohibited acts on private, firm or corporation property and the violations and penalties with regards to the Borough’s Shade Tree Commission.

NOW, THEREFORE BE IT ORDAINED, that the Mayor and Council of the Borough of Stanhope has reviewed the Borough Code regarding the Shade Tree Commission and has determined that the revisions to Sections 53-6 and 53-7 are required, as follows:

SECTION 1:

Section 53-6B shall be deleted in its entirety and shall be replaced as follows:

B. On private, firm or corporation property:

- (1) Except as herein provided, no person shall willfully, carelessly or negligently remove, cut down or injure two or more living trees having a diameter of four inches or more or a circumference of twelve and one half (12.6) inches (dogwood and American holly, one inch) at a distance of four feet measured from the ground within a twelve (12) month period. The acts prohibited in this subsection may be allowed upon the issuance of a permit approved by the Shade Tree Commission. Permits are issued at no cost to single family or two family dwelling applicants occupied by the owner. An application for a permit must be filed with the Shade Tree Commission and a site inspection must be made prior to approval and tree removal.

Tree removal permits are effective for only three (3) months from date of issue.

- (2) Upon application for a major or minor subdivision and/or site plan, the applicant shall indicate therein the location of all trees and designate which trees, if any, are to be removed and the types of trees and/or shrubbery to be planted for aesthetic purposes. A copy thereof shall be filed with the Shade Tree Commission, which shall review the same and notify the Land Use Board of its approval or disapproval. If the plans are not acted upon by the Shade Tree Commission within 10 days after the reference, the same shall be deemed approved. The Land Use Board shall issue approval only upon approval by the Shade Tree Commission or upon expiration of said 10 days.

SECTION 2:

Section 53-7 shall be deleted in its entirety and shall be replaced as follows:

Any person violating any provision of this chapter shall, upon conviction, be punishable by a fine not exceeding \$1,000 (nor less than \$100) or imprisonment for a term not exceeding 90 days or a period of community service not exceeding 90 days, or any combination thereof.

SECTION 3 - SEVERABILITY

If any provision of this Ordinance or the application of this Ordinance to any person or circumstances is held invalid, the remainder of this Ordinance shall not be affected and shall remain in full force and effect.

SECTION 4 - REPEALER

All ordinances or parts of ordinances or resolutions that are inconsistent or in opposition to the provisions of this Ordinance are hereby repealed in their entirety.

SECTION 5: EFFECTIVE DATE

This Ordinance shall take effect immediately upon adoption and publication in accordance with law.

ATTEST: Ellen Horak
Ellen Horak, Borough Clerk

SIGNED: Patricia Zdichocki
Mayor Patricia Zdichocki

Dated: 9-14-21