

Haddonfield Shade Tree Commission Summary of the New Shade Tree Ordinance (2014-12)

Over the past year, the Haddonfield Shade Tree Commission (STC) has worked to update Chapters 56 and 224 of the Borough Code, the chapters governing Haddonfield's shade tree management program, to bring the ordinance into conformity with New Jersey state law. At the same time, the STC wished to clarify the Code, making clear the prohibited acts against Borough Trees and the consequences of those acts. When violations do occur, under this new ordinance, the shade tree management program and the Borough will be fairly reimbursed for the value of the lost or damaged asset.

While much of the code's text is unchanged, we have added concepts or made significant changes in other areas. Knowing the practical experience of Haddonfield's dedicated employees, the STC worked closely with the Department of Public Works in identifying the changes needed. The Commissioners have reviewed the proposed changes to ensure that the code structure is consistent with efficient Borough management.

These changes are a first step toward better protecting the Borough's arboreal assets. We believe that it also provides residents with greater clarity regarding their rights and responsibilities with regard to the shade tree management program. As a second step, the STC is committed to updating and publicizing the accompanying standard operating procedures and policies. This information will be available shortly on the STC webpage.

A summary of key provisions of the new Shade Tree Ordinance (2014-12), Section 56, follows.

Section 56-1, Purpose: Updated for clarity and to reflect current state law (N.J.S.A. 40:64 et seq.).

Section 56-2, Definitions: Updated for clarity and to reflect current state law.

Section 56-3, Shade Tree Commission: Unchanged, except for a minor revision consistent with current state law.

Section 56-4, Organization, Meetings and Election of Officers: Unchanged

Section 56-5, Powers: Updated for clarity and to reflect current state law.

Section 56-6, Hazardous Trees on Private Property: A new section, clarifying the conditions requiring and the procedures for removal of privately owned hazardous trees, which constitute a danger to public property or an imminent threat to public health and safety.

Section 56-7, Prohibited Acts: Updated for clarity and to reflect current state law. This section clarifies residents' responsibilities regarding protection of Borough trees including the prohibition of excessive mulching of Borough trees, as well as the prohibited closing or obstruction of the public right-of-way that might prevent the planting of Borough trees upon Borough property.

Section 56-8, Specifications: A new section restating the authority of the STC, consistent with current state law (N.J.S.A. 40:64:10) regarding public improvements affecting Borough trees and further clarifying the standards to be applied in planting, trimming and otherwise caring for Borough trees.

Section 56-9, Permits: A new section, requiring that anyone wishing to remove, transplant, trim or otherwise treat a Borough Tree be required to file an application with the DPW. Work can not commence until approval is granted. The property owner will be responsible for the cost of the work and may be responsible for a Tree

Replacement Assessment. This section also states all applications for building or construction permits will be reviewed for impact to Borough trees. Applications with potential impact will be referred to the STC.

Section 56-10, Fees, Assessments and Penalties: A new section, clarifying the potential penalties and assessments that may be levied for actions taken that in violation of Chapter 56. The maximum penalty is increased to \$1,500 per violation, consistent with current state law. Additionally, this section introduces a replacement assessment, which may be levied on any person who without permission removes, damages or otherwise destroys a Borough Tree. The replacement assessment, consistent with state law, is calculated based on the size of the Borough Tree, and is not to exceed \$27.00 per square inch of the Borough Tree diameter approximately four feet above ground. Finally, in cases where the STC has given a property owner permission to remove a Borough Tree, this section would allow the STC to require replacement of the tree and post a performance bond against such replacement.

Section 56-12, Borough Tree Escrow Fund: A new section, establishing a Borough Tree Escrow Fund to hold the tree replacement assessments associated with Chapter 56, as well as other donations and funds raised by the STC, for the purpose of administering, protecting, maintaining and replacing Borough Trees. This Fund will be held separate from the Borough General Fund.

Section 56-13, Severance: Standard and conforming.

Section 56-14, Effect on Other Ordinances: Standard and conforming.

Section 56-15, Effective Date and Repeal of Prior Ordinances: Standard and conforming.