

**TOWN OF WEST NEW YORK
COUNTY OF HUDSON**

ORDINANCE #25/15

**AN ORDINANCE AMENDING CHAPTER 379 OF THE CODE OF THE TOWN OF
WEST NEW YORK (TREE REMOVAL)**

WHEREAS, the Board of Commissioners of the Town of West New York deems it necessary for the official conduct of the affairs of the Town of West New York that the Town has a tree removal ordinance;

WHEREAS, the Board of Commissioners of the Town of West New York deems that in order to be in compliance with the affairs of the Town repeal of Chapter 379 is necessary for clarity;

WHEREAS, the Board of Commissioner of the Town of West New York has determined that in order to be in compliance with the affairs of the Town believe that the substitute of Chapter 379 within the herein Ordinance is beneficial to the public welfare;

WHEREAS, the Board of Commissioners of the Town of West New York has determined that an amendment to Chapter 379 will advance the beauty and utility of public spaces, safety of our residents and benefit the public welfare; and

NOW THEREFORE BE IT ORDAINED by the Mayor and Board of Commissioners of the Town of West New York, County of Hudson, State of New Jersey, that the existing Chapter 379 of the Code of the Town of West New York shall hereby be repealed and the below will substitute therefore as follows:

§ 379-1. Permit to remove trees required; fee.

- A. No person shall remove, break damage, alter, kill destroy, mutilate or cut down any shade tree located on any of the public streets or places, including any public right-of-way, without first obtaining a permit from the office of the Building Department of the Town of West New York.
- B. The Fee for obtaining said permit shall be \$25 per tree, which must be paid upon the filing of the application for permit. This fee shall be paid in the form of a check or money order payable to the Town of West New York.

§ 379-2. Removal of multiple trees.

- A. Should more than one (1) tree be removed on a single lot, whether pursuant to § 379-1, § 379-3 and/or § 379-4, within a

six (6) month period said tree removals shall be done in compliance with this section.

- B. All fees established by § 379-1, § 379-3 and/or § 379-4 must be paid in accordance with the scope and rules of those sections respectively.
- C. Permit required. No person shall remove multiple trees on a single lot without first obtaining applying for a soil disturbance permit from the Construction Department.
- D. The Construction Department shall review and determine the environmental impact of the removal of the multiple trees and the related soil disturbance. If upon consideration of the application the Construction Department determines there is likely no to minimal environmental impact, it shall issue a permit.

§ 379-3. Removal of trees on private property, fee, certificate of no interest required.

- A. Exception. Any tree residing on a lot designated as residential, pursuant to the Town of West New York zoning map and related code provisions, shall not require a permit pursuant to §379-1 , §379-2 and § 379-4 so long as said tree does not reside on or extend over a right of way wherein the Town of West New York holds an interest.
- B. No person removing a tree pursuant to this section shall remove said tree or cut any limbs without first obtaining a certificate of no interest from the Town. The fee for obtaining said certificate shall be \$15.00 per tree, which must be paid upon the filing of the application for a certificate of no interest. This fee shall be paid in the form of a check or money order payable to the Town of West New York.

§ 379-4. Permit to cut limbs required.

- A. No person other than the property owner upon which any tree is located within the lines of any street or public place shall cut any branch(es) or limb(s) without first obtaining a permit from the Building Department.
- B. No permit authorizing the attaching of wires on any such tree shall grant or give any right to cut any limb or branch of any such tree.

C. Fee. The Fee for obtaining said permit shall be \$5, which must be paid upon the filing of the application for permit. This fee shall be paid in the form of a check or money order payable to the Town of West New York.

D. Exception. A property owner upon which any tree is located within the lines of any street, public place and/or a right of way wherein the Town of West New York holds an interest may cut any branch or limb if such branch or limb is dead, diseased, broken, decayed or constitutes a menace to the safety the public without a permit from the Building Department.

§ 379-5. Unsafe trees; permit requirements and exceptions.

In the event that the Police Department, Fire Department or Building Department declare a tree(s) to be unsafe, the property owner shall be permitted to remove said tree(s) or trim the affected areas of the tree(s) without first obtaining an appropriate permit in accordance with this Chapter; however, the property owner shall be required to immediately file the appropriate application for a permit in accordance with this Chapter.

§ 379-6. Damage to sidewalks.

In the event that a sidewalk adjoining a property is raised, cracked or otherwise damaged which creates a hazardous condition and the property owner receives a notice from the town, which notice orders that property owner to correct the condition prior to performing any work at the property, the property owner must contact the Building Department in order for a representative of the Building Department to inspect the tree and/or root which is causing the damage to the property. If at all possible, the property owner shall trim the root in order to correct the problem in a manner which shall cause as little damage to the root system as possible. Furthermore, the trimming of the root system shall be done during a period of time during which the root system is dormant. The removal of the tree shall only be performed if absolutely necessary and only if it is determined that the root system cannot be trimmed or otherwise cut back to correct the problem.

§ 379-7. Replacement trees.

In the event that any property owner removes a tree pursuant to any provision of this Chapter, a replacement tree shall be planted at or near the location of the tree which was removed. Said replacement

must be made within six months of the issuance of the tree removal permit, and the replacement tree must be of a height of at least six feet and three-inches to five-inches caliber (width). The property owner shall consult with the Building Department in order to determine the species of tree which shall be used for replacement, and the species shall be selected from a list of approved species which shall be maintained within the Building Department.

A. In the event that replacement tree(s) are not planted in accordance with the provisions of this section, then the property owner shall be fined \$250 per month that the tree is not replaced.

§ 379-8. Restriction on poplar and willow trees.

No person shall hereafter plant or permit to be planted any poplar or willow tree in any public street or public place or within 40 feet of the side lines of any street or place.

§ 379-9. Notice of violations; enforcement.

In the event that any member of the public observes a condition which they deem to be in violation of the within chapter, they shall immediately forward written notice of said alleged violation to the Building Department, and the appropriate representative of the Building Department shall be required to act in any manner necessary in order to assist in the enforcement of the terms and provisions of this chapter.

§ 379-10. Appeal.

In the event that any applicant for a permit shall have been refused a permit, said person shall have the right and privilege to appeal from such refusal to grant a permit to the Board of Commissioners of the Town of West New York; provided, however, that not less than five days' written notice of such appeal shall have been served upon the Board of Commissioners, either in person or by registered mail, return receipt requested, and a date of hearing before the Board of Commissioners (or its designee) shall be fixed no later than 30 days after the receipt of said notice of appeal. Thereupon, the Board of Commissioners (or its designee) shall notify said person of the place, date and time of hearing.

SUMMARY OF ORDINANCE

This ordinance authorizes the Town of West New York to repeal Chapter 379 (Tree Removal) of the Code of the Town of West New York and substitute the repealed Chapter 379 with the newly adopted Chapter 379 (Tree Removal).

Introduced: 11/23/2015

Notice

The foregoing Ordinance was adopted for first reading by the Mayor and Board of Commissioners of the Town of West New York, New Jersey, on **November 23, 2015** and ordered published, and will be further considered before final passage at a public hearing on **December 16, 2015 at 7:00 p.m.** at the Commission Chambers, Municipal Building, West New York, NJ. A copy of this Ordinance has been posted on the bulletin board upon which public notices are customarily posted on in the Town Hall of the Town of West New York, and a copy (at no charge) is available up to and including the time of such meeting to the members of the public of the Town who shall request such copies, at the Office of the Town Clerk in said Town Hall in West New York, N.J.

Carmela Riccio, RMC
Town Clerk