

Proposed additions in *italics*
Proposed deletions in ~~strikethrough~~

**BOROUGH OF FRANKLIN LAKES
ORDINANCE NO. 1918**

**AN ORDINANCE AMENDING PROVISIONS OF CHAPTER 300
“LAND USE AND DEVELOPMENT” OF THE CODE OF THE
BOROUGH OF FRANKLIN LAKES TO AMEND PROVISIONS
RELATING TO TREE REMOVAL AND REPLACEMENT**

BE IT ORDAINED by the Mayor and Council of the Borough of Franklin Lakes, in the County of Bergen and State of New Jersey as follows:

Section 1. Article XX “Tree Removal and Replacement” of Chapter 300 “Land Use and Development” of the Code of the Borough of Franklin Lakes is hereby amended to read as follows:

Article XX

Tree Removal and Replacement

§ 300-147 **Tree removal.**

- A. The indiscriminate, unnecessary and excessive removal of trees upon land, both developed and undeveloped, may result in increased surface runoff and soil erosion, increased soil erosion and sedimentation, decreased fertility of the soil, degradation of water resources, decreased groundwater recharge, increased buildup of atmospheric carbon dioxide, the establishment of a heat island effect, and increased dust and pollution, thereby increasing municipal costs for the control of drainage. Excessive removal and destruction of trees also damages the aesthetic value of existing residential areas and impairs the stability and value of improved and unimproved real property, with accompanying deterioration of conditions thereby affecting the health, safety and general welfare of the inhabitants of the Borough.
- B. It is recognized that there is a strong interrelationship between the integrity of Borough water resources, development on steep slopes, tree removal, soil disturbance, stormwater management and the general use of the land resources. Fewer trees throughout the Borough also correlates with increased air pollution. The appropriate management of these resources is an important health, safety and general welfare concern. Managing the Borough's tree resources is consistent with its state-approved Community Forestry Management Plan.

§ 300-148 **Definitions.**

For the purpose of this article, the following words shall have the meanings indicated:

BUILDING PLOT

A parcel of land upon which a building has been or may be erected in accordance with this chapter.

COMMUNITY FORESTRY MANAGEMENT PLAN

A plan developed by the Borough outlining the goals and objectives for managing trees on Borough property with the intent of minimizing liability to the Borough and maximizing the useful life of the tree resource. The plan is to be approved by the New Jersey Department of Environmental Protection, Division of Parks and Forestry, Forest Service.

CRITICAL ROOT ZONE (CRZ)

The Critical Root Zone shall be determined based on the following formula: one foot in circumference from the tree for every one inch in Diameter at Breast Height; or as may be determined by the Tree Specialist.

DIAMETER AT BREAST HEIGHT (DBH)

The diameter of a tree measured four feet six inches above the ground level.

DRIPLINE

~~The extent to which the leaves and outer branches extend outward from the trunk to a point on the ground at which a line drawn vertically from the leaves furthest from the trunk touches the ground.~~

EROSION

The detachment and movement of soil or rock fragments by water, ice, wind and gravity.

EXEMPT AREA

The lot area as provided in this article for which tree replacement shall not be required.

EXTENSION TILE

Four- or six-inch agricultural tile or split sewer pipes are laid in a wheel-and-spoke design with the tree as the hub. The radial lines of the tile near the tree should be at least one foot higher than the ends joining the circle of tile. A few radial tiles should extend beyond the circle and should slope sharply downward to ensure good drainage. An open-jointed stone or brick well is then constructed around the trunk up to the level of the new fill. The inner circumference of the stone well should be about two feet from the circumference of the trunk. Six-inch bell tiles are placed above the junction of the two tile systems, the bell end reaching the planned grade level, and stones are placed around the bell tiles to hold them erect. All ground tiles are covered with small rocks and cobblestones to a depth of 18 inches.

HAZARDOUS TREE

A tree is hazardous if it is an imminent hazard and a threat to the safety of persons or property. If a tree possesses a structural defect that may cause the tree or part of the tree to fall on someone or something of value (i.e., "target"), and the condition is determined to be imminent, the tree is considered hazardous.

IMPROVED PROPERTY

Any property on which a residential structure exists at the time of the tree removal.

INVASIVE TREE

A species of tree that is nonnative to the ecosystem under consideration and whose introduction causes or is likely to cause economic or environmental harm or harm to

human health. Tree of heaven (*Alanthus altissima*) and Norway maple (*Acer platanoides*) are examples of invasive trees in the Borough of Franklin Lakes.

TREE

Any tree, whether dead or alive, having a single or multistemmed trunk with a diameter at breast height (DBH) of seven inches or greater, or, where the tree's height or the remainder of the tree (the stump) is less than four feet six inches in height, the measurement shall be taken at the highest point of the trunk. Trees that grow out of one root system, with two or more trunks, that divide below DBH, will be counted as two or more trees. A multistemmed trunk that splits below four feet six inches will be counted as two or more trees.

TREE ESCROW FUND

A fund established for the maintenance, repair, replacement, and planting of trees on public property throughout the Borough, *as well as removal of trees on public property.* The fund may be utilized for the administration and promotion of tree and shrubbery resource sustainability projects and practices consistent with the Community Stewardship Incentive Program as outlined in the New Jersey Shade Tree and Community Forestry Assistance Act. The Tree Escrow Fund shall be administered by the Mayor and Council, following referral and recommendation by the Shade Tree Commission, *except that removal of trees shall not require referral and recommendation by the Shade Tree Commission.*

TREE PLANTING PLAN

A specific plan adopted by the Borough for the location and placement of trees on public property.

TREE REMOVAL PERMIT

The permit issued by the Shade Tree Commission or the Tree Specialist to remove or destroy a tree or trees located on any improved land or vacant or unimproved property, as defined in this section. The permit shall be valid for a period of 90 days.

TREE REPLACEMENT PLAN

A specific plan for replacement of removed trees in accordance with the provisions of this article.

UNIMPROVED OR VACANT LAND

Privately owned land upon which no home has been completely built, and for a period of two years after the certificate of occupancy is issued.

WOODLAND MANAGEMENT PLAN

A plan for the management of timbered or forested lands approved by the New Jersey Department of Environmental Protection, Forest Service, or similar state or federal agency.

§ 300-149 Removal of trees from land within the Borough; proper licensure.

A. No tree shall be removed, damaged or destroyed on any land, whether improved, unimproved, commercial or residential, within the Borough without the issuance of a proper tree removal permit as described herein.

B. In accordance with the provisions of the Tree Experts and Tree Care Operators Licensing Act, N.J.S.A. 45:15C-11, et seq. ("the Act"), if an applicant is utilizing a business engaged in providing tree care services for hire which does not fall under the exemptions set forth in the Act, the application for a tree removal permit shall include the following information:

- (1) Name and address of the tree care business;
- (2) Business registration number;
- (3) Name and license number of the licensed tree expert (if applicable);
- (4) Name and license number of the licensed tree care operator (if applicable); and
- (5) Copy of applicable license if required by the tree specialist.

§ 300-150 Tree removal permits issued by Construction Official or Tree Specialist; additional tree removal.

A. Purpose. The goal of tree removal permit requirements is to maintain the forest canopy in the Borough of Franklin Lakes. The Borough of Franklin Lakes is a forested community and maintenance of the existing trees is important. Tree removal permit requirements help maintain the forest canopy. Some trees need to be protected from indiscriminate removal.

B. *Tree replacement required. Except as provided in Subsection D hereinbelow, unless tree removal is being considered as part of a development application before the Planning Board or Zoning Board, the Construction Official or Tree Specialist shall issue a permit for removal of trees subject to compliance with the tree replacement requirements of Section 300-152 hereof.*

~~(1) From the following areas:~~

- ~~(a) Within 20 feet of a principal structure.~~
- ~~(b) Within 10 feet of a pool or pool cabana.~~
- ~~(c) Within five feet of a driveway or walkway.~~
- ~~(d) Within five feet of a septic tank or field.~~
- ~~(e) Within 10 feet of a tennis court or similar recreational facility.~~

C. Where the total number of trees to be removed is less than 10% of the total number of trees on the property, including trees to be removed pursuant to Subsection ~~B(1) D hereinabove~~ *hereinbelow*; provided however that, if the total number of trees to be removed pursuant to Subsection ~~B(1) D~~ is 10% or more of the total number of trees on the property, then the property owner may remove the number of trees as is permitted pursuant to Subsection ~~B(1) D~~. Except as otherwise provided for tree removal pursuant to Subsection ~~B(1) D~~, no more than 10% of the total number of trees on the property may be removed within any five-year period.

~~(3) For any tree that is hazardous, dead or dying.~~

- ~~(4) For any tree that is invasive, except that replacement trees shall be required in accordance with Subsection **D** of this section.~~
- ~~(5) For any tree or trees removed or cut in accordance with a Woodland Management Plan or a Forest Stewardship Plan that has been approved by the New Jersey Forest Service, provided that such plan is filed with the Construction Official, Tree Specialist, Shade Tree Commission and Tax Assessor.~~
- ~~(6) For any tree or trees removed or cut in accordance with an approved conservation plan prepared by the Soil Conservation District, provided that such plan has been filed with the Shade Tree Commission and Tax Assessor.~~
- ~~(7) For any tree or trees planted and grown for commercial purposes on property used as a commercial nursery, tree farm, garden center, Christmas tree plantations or tree orchards.~~
- ~~(8) For any tree growing in a utility right of way or fire trail subject to the approval of the Shade Tree Commission.~~
- ~~(9) For any landscape tree that has become overgrown for the purposes for which it was planted, except that replacement trees shall be required in accordance with Subsection **D** of this section.~~
- ~~(10) The Tree Specialist shall provide a written monthly report to the Shade Tree Commission of all permits issued in accordance with this Subsection **B**.~~

D. Tree replacement not required. Unless tree removal is being considered as part of a development application before the Planning Board or Zoning Board, the Construction Official or Tree Specialist shall issue a permit for removal of trees in the following circumstances, and no tree replacement shall be required, except as may be required as part of a separate approval process:

- (1) For any tree that is hazardous, dead or dying.*
- (2) For any tree or trees removed or cut in accordance with a Woodland Management Plan or a Forest Stewardship Plan that has been approved by the New Jersey Forest Service, provided that such plan is filed with the Construction Official, Tree Specialist, Shade Tree Commission and Tax Assessor.*
- (3) For any tree or trees removed or cut in accordance with an approved conservation plan prepared by the Soil Conservation District, provided that such plan has been filed with the Shade Tree Commission and Tax Assessor.*
- (4) For any tree or trees planted and grown for commercial purposes on property used as a commercial nursery, tree farm, garden center, Christmas tree plantations or tree orchards.*
- (5) For any tree growing in a utility right-of-way or fire trail, subject to the approval of the Shade Tree Commission.*

(6) *For new construction, which shall include a new structure or an addition to an existing structure, tree replacement is not required for trees removed within the footprint of the new structure or the addition to an existing structure.*

~~C.E.~~ The Construction Official or Tree Specialist may not issue a permit for removal of trees within the street right of way (generally within 10 feet from the curb or edge of pavement), except for any tree that is hazardous, dead or dying. Trees within 10 feet of the curb or edge of pavement along a street may only be removed with approval of the Shade Tree Commission.

~~D.F.~~ An applicant may apply to the Shade Tree Commission to remove trees in addition to those permitted under Subsection ~~B C~~ hereunder. The Shade Tree Commission may, in its discretion, require that the applicant provide written notice to adjoining property owners of the application under this subsection. For purposes of this section, adjoining property owners shall not include property owners across a street. An application to the Shade Tree Commission under this subsection shall include the information required under Subsection ~~E H~~ of this section and the Shade Tree Commission may require a site plan which complies with the site plan requirements set forth in Subsection ~~B~~ of § ~~453-10 300-151~~ of this chapter for a tree removal application submitted to the Planning Board or Zoning Board. In reviewing the application for tree removal, the Shade Tree Commission shall consider the criteria set forth in Subsection ~~D~~ of § ~~453-10 300-151~~ of this chapter for a tree removal application submitted to the Planning Board or Zoning Board. The Shade Tree Commission shall provide a written report to the Mayor and Council of all decisions made in accordance with this Subsection ~~D F~~.

~~E.~~ ~~Replacement trees. For removal of trees in accordance with Subsection D of this section, the applicant shall be required to plant replacement trees on site in accordance with the provisions of § 300-152 of this chapter.~~

G. *If, because of a change in the construction plans following the issuance of a tree removal permit, an applicant seeks to remove additional trees, the applicant must, prior to any tree removal, obtain a permit for removal of any additional trees. For example, if the location of a structure is changed that would require the removal of additional trees, a permit for removal of such trees must be obtained, and trees removed as a result of the change in construction plans must be replaced in accordance with Section 300-152.*

~~F.H.~~ Application. An application for a permit for removal or destruction of any tree under this section shall contain the name of the applicant, the name of the owner, consent of the owner if the applicant name is different than the owner, the name and address of the tree service, the reasons for the removal or destruction, and a sketch of the property which shall include the location, size and species of trees proposed for removal, and such further information as may be required by the Construction Official or Tree Specialist. An application for tree removal shall be reviewed and decided by the Construction Official or Tree Specialist within 14 days of the submission of a complete application.

§ 300-151 Tree removal applications to the Planning Board or Zoning Board.

A. Where tree removal or replacement is part of a development application before the Planning Board or Zoning Board, the application for tree removal shall be made to the Planning Board or Zoning Board.

- B. Site plan. Unless waived by the Planning Board or Zoning Board, a formal site plan as prepared by a licensed engineer or survey shall be required with the application, containing the following information:
- (1) The location of the position of all trees as defined herein, including trees within 50 feet of the limit of disturbance of any proposed streets, underground or aboveground utility lines, and structures.
 - (2) The identity of the species and the quantity of each species of trees which are to be removed or disturbed and including the ~~drip line~~ *Critical Root Zone* circumference.
 - (3) List of the specific proposals for replanting, if applicable.
- C. Referral to other agencies. The Planning Board or Zoning Board shall refer all tree removal applications to the Tree Specialist *and the Shade Tree Commission* for review and comment. *The Shade Tree Commission shall provide its comments to the Tree Specialist, who shall include such comments in the Tree Specialist's report to the Board.* The Tree Specialist's report shall be submitted to the Board within 30 days of receipt of same. The Board shall consider but not be bound by the above-noted referral reports.
- D. Standards for Planning Board or Zoning Board review. The Board may allow the removal of trees where the Board has made findings of fact in connection with the removal of trees based on consideration of the following criteria, the purposes of this article as set forth in § **300-147**, and any relevant report or comment received from the referrals noted above:
- (1) Trees may be removed as permitted in Subsection **B** of § **300-150**.
 - (2) Where the failure to remove the trees will create an unreasonable hardship or unduly restrict the use of the property, the Board may allow removal of additional trees where the benefits of said removal outweigh any resulting detriment.
 - (3) Where as the result of a cut or fill approved by the Board, the trees are deemed no longer viable, said trees may be removed.
 - (4) The Board shall consider drainage or other physical conditions existing on the site or on adjoining property and, after considering the referral recommendations, may permit the removal of said trees where it is deemed appropriate, provided that the benefits will outweigh the detriments resulting from said removal.
 - (5) The Board may approve the removal of trees when said removal will not impair the growth and development of the remaining trees on the property, or on adjacent properties, or will not cause erosion, impair existing drainage, or lessen property values or damage aesthetics in the area.
 - (6) *Trees approved for removal shall be replaced in accordance with Section 300-152 hereof.*
 - (7) *Any new construction shall be required to install shade trees every 30 feet along the property frontage within the street right-of-way.*

- E. For applications before the Planning Board or Zoning Board of Adjustment, the initial escrow deposit toward reasonably anticipated Borough expenses for services and costs of the Tree Specialist shall be as set forth in § 300-42.1 of the Borough Code.

§ 300-152 **Tree replacement.**

- A. ~~To the extent that the Planning Board, Zoning Board or Mayor and Council permits removal of trees in addition to those permitted in Subsection B of § 300-150, the applicant shall replace the removed trees on site. The applicant shall calculate, for review by the Shade Tree Commission, Planning Board or Zoning Board, the diameter at breast height of each tree to be removed. The total diameter at breast height for all trees shall be the basis for calculating the number of replacement trees required. The applicant shall be required to plant one tree with a diameter measured at one foot above root swell of two to 2 1/2 inches for every seven inches of total diameter at breast height for all trees to be removed. For example, if four trees totaling 28 inches in diameter at breast height were removed, the applicant would be required to plant four replacement trees. All replacement trees shall be properly protected and may not be removed with a tree removal permit.~~

Where tree replacement is required pursuant to the provision of this article, said tree replacement shall comply with the following schedule:

<i>Diameter at breast height (DBH) of existing tree to be removed (inches)</i>	<i>Number of replacement trees (Minimum two inch caliper)</i>
<i>Between 10 and 16 inches</i>	<i>1</i>
<i>Between 16 and 22 inches</i>	<i>3</i>
<i>Between 22 and 28 inches</i>	<i>5</i>
<i>Between 28 and 34 inches</i>	<i>7</i>
<i>34 inches or greater</i>	<i>9</i>

- B. Replacement trees need to be planted according to standards developed by the International Society of Arboriculture, described in the pamphlet titled, "New Tree Planting." The wire baskets, burlap and twine shall be removed from replacement trees prior to planting. The trunk flare will be at the natural existing grade of the soil.
- C. Replacement trees need to be planted at least ~~20~~ 40 feet from existing trees and replacement trees, and they may not be planted under the canopy of existing trees, except for shade-tolerant trees.
- D. Replacement trees must be cared for, kept alive and not removed for 10 years after planting, ~~except as otherwise permitted in Subsection B(1) of § 300-150 hereinabove.~~
- E. *Replacement trees shall be planted in the next planting season – either before June 1 or after October 1.*

§ 300-153 **Issuance of permits; fees; bonds.**

- A. Permit. Upon approval of the application by the Construction Official, Tree Specialist, Planning Board or Zoning Board, marking of trees to be removed, and installation of tree protection for residual trees, a tree removal permit will be issued by the Construction Official or Tree Specialist. The permit will be displayed on the house or building and shall

be visible from the closest road. The permit will be displayed while tree work is being done and for the next 10 days after the tree work is completed.

B. Marking of trees. The trees to be removed must be clearly marked. Plastic flagging is acceptable.

C. Fees.

(1) The fee for an application for removal of trees, either dead or alive, under § **300-150** of this chapter shall be ~~\$35~~ \$50 for the first five trees and ~~\$5~~ \$10 for each additional tree.

(2) The fee for an application for removal of a tree in connection with a soil moving permit application shall be as set forth in § **404-12** of the Borough Code.

D. Surety bond.

(1) A cash or surety bond for tree preservation and tree removal is required in all cases where Planning Board, Zoning Board, Mayor and Council or soil removal approval is required; except that the Planning Board, Zoning Board, Mayor and Council, Construction Official, Borough Engineer or Tree Specialist may waive the bond requirement if there is minimal or no threat to trees on the property. The application to the Planning Board, Zoning Board, Mayor and Council or for soil removal shall be accompanied by a bond in the minimum amount of \$5,000 for each acre of the site on which the improvement is located. The amount of the bond can be increased by the Construction Official where the official feels it is justified based on the potential threat to the trees on the property. The bond shall be held by the Borough of Franklin Lakes to ensure compliance with the requirements imposed by the Borough Code related to the preservation of trees.

(2) The bond shall be returned to the applicant upon completion of the project, issuance of a certificate of occupancy, and inspection of the property by the Construction Official to ensure compliance with the Borough Code and conditions of development approval relating to tree preservation and tree removal. Where trees have been damaged, improperly removed, or destroyed in violation of the Borough Code or conditions of development approval, in addition to other enforcement options, some or all of the cash bond shall be retained, and said cash bond shall be deposited in the Borough's Tree Escrow Fund. Failure to comply with the Borough Code and conditions of development approval relating to tree preservation and tree removal shall also be considered a violation of the provisions of this article.

(3) In the event that the applicant fails to request an inspection to confirm that the improvements are completed and that ordinances have not been violated within two years from the Borough's receipt of the cash bond, and fails to request a refund of the cash bond, the amount of the cash bond shall be transferred to the Borough's Tree Escrow Fund.

§ 300-154 Waiver of tree replacement requirements.

Where, in the discretion of the Construction Official, Tree Specialist, Planning Board, Zoning Board or Mayor and Council, new plantings are required by the ordinances of the Borough but are not necessary due to the existence of a sufficient number of trees presently on the property,

the Construction Official, Tree Specialist, Planning Board, Zoning Board or Mayor and Council may waive any or all requirements for new plantings. If the requirement for new plantings is waived, *for each replacement tree that would have been required in accordance with Section 300-152 hereof*, the applicant shall pay a fee in ~~an amount equal to the cost of such plantings had they been required, as determined by the Tree Specialist~~ *the amount of \$500 per replacement tree*, which fee shall be deposited in the Tree Escrow Fund.

§ 300-155 Protection of trees.

- A. Prior to *any soil disturbance on a site under construction and any tree removals*, suitable tree protective barriers shall be ~~erected~~ *installed, inspected and approved by the Construction Official or Tree Specialist*, and this protection, generally at the ~~dripline~~ *Critical Root Zone*, where required, shall remain until such time as the protection is authorized to be removed by the Construction Official or Tree Specialist or after issuance of a final certificate of occupancy. In addition, during construction, no attachments or wires shall be attached to any of said trees so protected. Grading within the ~~dripline~~ *Critical Root Zone* of trees must be approved by the Construction Official or Tree Specialist, and appropriate measures shall be taken to minimize impact to the trees. Any trees seriously damaged during construction must be professionally treated by a New Jersey certified tree expert or New Jersey licensed tree expert or replaced if the damage is beyond treatment.
- B. A detail of the existing tree self-supported protective barrier shall be provided on all applications. The protective barrier shall be a minimum of ~~four~~ *five* feet high.
- C. The self-supported protective barrier shall be placed, as determined by the Construction Official or Tree Specialist, at the ~~dripline~~ *Critical Root Zone* of any tree along the limit of clearing and around the entire ~~dripline~~ *Critical Root Zone* for trees to remain undisturbed within the limit of clearing.
- D. It shall be unlawful for any person in the construction of any structure or other improvement to place solvents, material, construction machinery or temporary soil deposits within the ~~dripline~~ *Critical Root Zone*.
- E. During construction, the contractor shall take all reasonable steps to protect the surrounding trees, including the installation of a wall around said trees with extension tile. Said wall shall be located no closer than the ~~dripline~~ *Critical Root Zone* of the trees.
- F. No structures, equipment or movable machinery that could injure a tree shall be permitted to operate closer than the ~~dripline~~ *Critical Root Zone* of the tree. In order to prevent injury, soil within the outer ~~dripline~~ *Critical Root Zone* is not permitted to be disturbed.
- G. Prior to removal for construction activity, all trees to be removed shall be tagged and all trees to be retained shall be protected with tree protection fencing. Tagging and fencing shall be inspected by the Construction Official or Tree Specialist.
- H. Installation and repair of septic tanks and fields and underground utilities are not permitted under the ~~dripline~~ *Critical Root Zone* of a tree. Any work in the ~~dripline~~ *Critical Root Zone* of a tree will be considered a violation of this article, without the approval in writing of the Construction Official or Tree Specialist.

§ 300-156 Emergency removal.

Where the Construction Official or Tree Specialist concludes that it is necessary for purposes of health, safety or welfare considerations to remove a tree, said tree may be removed without a permit.

§ 300-157 Violations and penalties; costs charged against lands; enforcement.

- A. Violations and penalties. Any person violating any of the provisions of this article shall be subject to a fine of not less than ~~\$250~~ \$500 nor more than ~~\$1,500~~ \$5,000 *per tree* and/or imprisonment in the county jail for a period not to exceed 90 days and/or 90 days of community service. Each tree damaged, removed or destroyed in violation of this article shall be considered a separate offense, and a separate fine shall be levied for each tree. In addition, the court shall require the guilty party to ~~restore areas where~~ *replace trees that have been removed or damaged in violation of this article, in accordance with the tree replacement schedule in Section 300-152 of this chapter.* ~~Where a tree with a diameter at breast height of 12 inches or more minimally 12 inches in diameter has been removed, it will require that the responsible party replace said tree with three trees which are at least two inches in diameter. The same calculation shall be utilized to determine the size of other replacement trees.~~
- B. *Summonses for violations of this article may be issued to the property owner, the contractor responsible for construction on the property and/or the tree care business that removed trees. The penalties referenced in paragraph A of this section may be imposed by the court against the property owner, the contractor responsible for construction on the property and/or the tree care business that removed trees. The court shall have the discretion to allocate the penalties as it deems appropriate.*
- ~~B~~C. Costs charged against lands; lien established. Upon receipt of the certified costs, the Borough shall examine same and, if found correct, shall cause the costs to be charged against the lands. The Council may reduce costs if determined to be excessive. The amount so charged shall forthwith become a lien upon the lands and shall be added to and become and form part of the taxes next to be assessed and levied upon the lands, the same to bear interest at the same rate as other taxes, and shall be collected and enforced by the same officer and in the same manner as taxes.
- ~~C~~D. Additional violations. If any person shall continue to violate any of the provisions of this article, after being duly notified of such violation, or shall neglect or refuse to comply with any lawful order of the office of the Zoning Official, Construction Official, or Tree Specialist, the failure to comply with a second or each subsequent notification or order shall be construed as an additional violation of this article, and each such additional offense shall subject the offending party, upon conviction, to the same penalty as provided for the first offense.
- ~~D~~E. A notification of violations may be issued by the Construction Official, Zoning Officer, Borough Engineer, Shade Tree Commission, Environmental Commission, police officer, or Tree Specialist. The Construction Official, Zoning Official, Borough Engineer, police officers, and the Tree Specialist are authorized to enforce the terms of this article.

Section 2. Repealer.

All ordinances or parts of ordinances inconsistent or in conflict with this Ordinance are hereby repealed as to said inconsistencies and conflicts.

Section 3. Severability.

If any section, part of any section, or clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the remaining provisions of this ordinance. The governing body of the Borough of Franklin Lakes declares that it would have passed the ordinance and each section and subsection thereof, irrespective of the fact that any one or more of the subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.

Section 4. Effective Date.

This ordinance shall take effect immediately upon passage and publication according to law.

APPROVED: _____
Charles J. X. Kahwaty, Mayor

ATTEST: _____
Gail M. Rulli, Borough Clerk

Introduced: 05-16-2023
Adopted: 06-20-2023