



# BOROUGH OF HADDONFIELD

Camden County, New Jersey

June 26, 2023

2023-09

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF HADDONFIELD, IN THE COUNTY OF CAMDEN, STATE OF NEW JERSEY CHAPTER 56 "SHADE TREE COMMISSION" SECTION 56-7 "PROHIBITED ACTS", SECTION 56-9 "PERMITS", SECTION 56-10 "FEES; ASSESSMENTS; VIOLATIONS AND PENALTIES" AND SECTION 56-11 "BOROUGH TRESS ESCROW FUND", OF THE CODE OF THE BOROUGH OF HADDONFIELD**

**WHEREAS**, the Board of Commissioners of the Borough of Haddonfield (hereinafter "Borough") deems it appropriate, necessary, and proper to amend Chapter 56 "Share Tree Commission" of the Borough Code;

**BE IT ORDAINED** by the Board of Commissioners of the Borough of Haddonfield in the County of Camden, State of New Jersey as follows:

## **SECTION I**

Chapter 56, "Shade Tree Commission" Section 56-7 "Prohibited acts", of the Code of the Borough of Haddonfield, is hereby amended and will read to include the following to the existing:

§56-7 Prohibited acts.

- A. No person, firm or corporation shall do, or cause to be done, any of the following acts with regard to Borough trees without authorization obtained pursuant to the provisions of this Chapter:
  - (1) Remains Unchanged.
  - (2) Remains Unchanged.
  - (3) Remains Unchanged.
  - (4) Remains Unchanged.
  - (5) Remains Unchanged.
  - (6) Remains Unchanged.
  - (7) Remains Unchanged.
  - (8) Removal of protective fencing as required by the Borough during any and all construction projects without prior written approval by the Borough.

## **SECTION II**

Chapter 56, "Shade Tree Commission" Section 56-9 "Permits", of the Code of the Borough of Haddonfield, is hereby amended and will read to include the following to the existing:

§56-9 Permits.

- A. Any person or entity wishing to remove, transplant, trim or otherwise treat a Borough tree shall file a written application with the Borough Public Works Department. No action shall be taken on any Borough tree until written authorization is received from the Public Works Department or the Commission, following an on-site evaluation. The property owner has the responsibility to pay



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the cost of removing such a tree and may be responsible for a tree replacement assessment in accordance with 56-10B(2).

## SECTION III

Chapter 56, "Shade Tree Commission" Section 56-10 "Fees; assessments; violations and penalties", of the Code of the Borough of Haddonfield, is hereby amended and will read to include the following to the existing:

§56-10 Fees; assessments; violations and penalties.

### A. Penalties

- (1) For a violation of any provision of this chapter, the maximum penalty upon conviction shall be a fine not less than \$200 but not exceeding \$2,000.
- (2) Separate violations. Except as otherwise provided, each and every day in which a violation of any provision of this chapter exists shall constitute a separate violation.
- (3) Repeated violations. Any property owner, developer or contractor who violates any provisions of this chapter or who fails to comply with the terms and provisions of any permit issued pursuant hereto shall pay a fine of not less than \$200 nor more than \$2,000 for each violation. Each day that a violation shall continue shall constitute a separate offense. In the event violations continue by the same party on the same property, subsequent violations fine shall increase daily.

### B. Tree removal and/or replacement assessment. In addition to the penalties authorized by subsection A of this section, any person who removes, damage to, or otherwise destroys a tree in violation of this chapter shall pay the following fees:

- (1) Removal Cost – These fees will be set by the Board of Commissioners. The cost will be calculated consistent with N.J.S.A. 40:64-12b based on the size of the tree (using the DBH), at rates currently obtained for the Borough.
- (2) Tree Planting – These fees will be set by the Board of Commissioners. The cost of tree planting will include the cost of the tree (inclusive of shipping & handling) and the cost for a contractor to plant the tree at rates currently obtained for the Borough.

### C. In cases where there is concern of damage to a tree based on a property owner, developer or contractor not implementing or maintaining protective measures, the Commission can require an escrow for tree removal and tree planting as set in 10-56B. The escrow will be held for a term of two (2) years beginning at the time of deposit. At the end of this term a qualified tree professional will evaluate the tree to determine if the tree is healthy, damaged, or dying. In the event that no damage was done to the tree, the escrow will be refunded.

- (1) The property owner, developer, or contractor may appeal to the Commission the request for escrow. The Commission will hold a hearing at which the property owner, developer or contractor will be allowed to provide an assessment from a third-party qualified tree professional. The Commission shall promptly review the necessity or reasonableness of the escrow.



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- D. In cases where the Commission has given a property owner permission to remove a Borough tree, the Commission may further require the property owner to replace the tree or otherwise provide for its replacement, and to post a performance bond for such replacement.
- E. The tree removal and replacement assessments shall be paid into the Fund described in 56-11.

## SECTION IV

Chapter 56, "Shade Tree Commission" Section 56-11 "Borough Tree Escrow Fund", of the Code of the Borough of Haddonfield, is hereby amended and will read to include the following to the existing:

§56-11 Borough Tree Escrow Fund.

Tree removal and/or replacement assessments shall be maintained in the Borough Trust Fund account. The escrows shall be maintained in the Borough Developer Escrow account. Such funds shall include any monies collected pursuant to 56-10B and 56-10C of this chapter, donations and any other fund-raising program established by the Commission. The governing body, with the advice of the Commission, shall authorize appropriations from the Fund.

## SECTION V

If any section, subsection, paragraph, sentence, clause or phrase of the Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance which shall continue in full force and effect, as to this end the provisions of the Ordinance are hereby declared to be severable.

## SECTION VI

This ordinance shall take effect immediately upon passage and publication as required by law.

First Reading – May 22, 2023

Second Reading – June 26, 2023

COMMISSIONERS:	YEA	NAY	ABSTAIN	ABSENT
ROCHE	X			
TROY	X			
BIANCO BEZICH	X			

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF AN ORDINANCE ADOPTED BY THE BOARD OF COMMISSIONERS OF THE BOROUGH OF HADDONFIELD AT A MEETING HELD ON APRIL 17, 2023.

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Deanna Bennett, RMC