

BOROUGH OF DEMAREST
BERGEN COUNTY, NEW JERSEY
ORDINANCE 1115-22

ORDINANCE AMENDING CHAPTER 163-SECTION 19-TREES-STANDARD FOR
APPROVAL/MITIGATION

WHEREAS, the Borough has deemed fit to establish a Shade Tree Commission to regulate shade trees within the Borough and to maintain and improve the Borough Shade Tree inventory; and

WHEREAS, Ordinance 1084-20 ('ordinance') was adopted to provide regulation and guidance for the Demarest Shade Tree Commission ('DTSC') with regard to removal of shade trees; and

WHEREAS, that ordinance is deficient in that it does not provide sufficient latitude for the DTSC to provide alternatives to tree planting.

NOW THEREFORE, BE IT ORDAINED, BY THE COUNCIL OF THE BOROUGH OF DEMAREST, that Chapter 163, Section 19, subsection 8 be and hereby is amended to read as follows:

Chapter 163-Section 19 Standards for Application Review.

1. Subsection 8

8. Upon the approval of the Mayor and Council, the mitigation requirements required pursuant to this section may be satisfied by the applicant donating the tree to be removed to the Borough of Demarest, to be planted elsewhere in the Borough of Demarest at the expense of the applicant. The Demarest Shade Tree Commission shall inspect any such trees and submit a recommendation to the Mayor and Council whether to accept or not to accept such donation. In the alternative, in the sole discretion of the Demarest Shade Tree Commission, a fee of between \$200 and \$400 may be payable by the applicant in lieu of planting of trees, to be deposited in the Demarest Shade Tree Commission dedicated account, for the purpose of planting additional trees as deemed necessary by the Commission. The amount of the fee shall be based upon the size, species and health of the tree requested to be removed by the applicant.

2. **Administrative Provisions.**

a. *Severability.* If any section, subsection, paragraph, sentence or other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect or invalidate the remainder of this Ordinance, but shall be confined in its effect to the section, subsection, paragraph, sentence or other part of this Ordinance directly involved in the controversy with respect to which said judgment shall have been rendered, and all other provisions of this Ordinance shall remain in full force and effect.

b. *Inconsistent Ordinances Repealed.* All ordinances or parts of ordinances which are inconsistent with the provisions of this Ordinance are hereby repealed, but only to the extent of such inconsistencies.

c. *Effective Date.* This Ordinance shall take effect immediately upon final adoption and publication in the manner prescribed by law, and its provisions shall apply to all tree removal applications on or after the date of adoption and publication hereof as prescribed by law.

BOROUGH OF DEMAREST

By: Melinda Iannuzzi
MELINDA IANNUZZI, Mayor

ATTEST:

Adeline M. Hanna
Adeline Hanna, Acting Borough Clerk

*Introduced by: Councilman Carroll
Seconded by: Councilwoman Fox*

Introduced: November 28, 2022

Adopted: December 19, 2022

	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Carroll:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fox:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hamilton:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Slowikowski:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Connelly	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LaPira:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>