

# Borough of Fair Lawn



## ORDINANCE NO. 2689-2024

### **AN ORDINANCE CREATING A NEW CHAPTER 227, TREE CARE SERVICE CONTRACTORS, OF THE CODE OF THE BOROUGH OF FAIR LAWN 2000**

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Fair Lawn that the Borough Code of Fair Lawn is amended and supplemented by inserting the text **underlined and marked in bold** as follows:

**SECTION 1:** A new Chapter 227, Tree Care Service Contractors, be and is hereby created to read as follows:

#### **§ 227.1 Registration required.**

**It shall be unlawful for any person to sell or offer for sale tree care services of any kind within the Borough of Fair Lawn without first registering with the Borough as provided in this chapter.**

#### **§ 227.2 Definitions**

**As used in this chapter, the following terms shall have the meanings indicated:**

**Person – includes an individual, any organization, firm, partnership, corporation, company, association, or other entity or group.**

**Ground-based landscape maintenance activities – includes operations that do not involve climbing, the use of aerial lifts, cranes, rope and rigging operations or the removal of trees over six (6”) inches in diameter at breast height.**

**Tree Care Service – includes tree pruning, repairing, brush cutting or removal, tree removal, stump grinding or removal, tree establishment, fertilization, cabling and bracing, lightning protection, consulting, diagnosis, and treatment of tree problems or diseases, tree management during site planning and development, tree assessment and risk management, and application of pesticides or any other form of tree maintenance, except that tree Care service shall not include ground-based landscape maintenance activities.**

#### **§ 227.3 Annual registration.**

**A. All persons offering tree care service for hire within the Borough shall register annually with the Borough Clerk's Office; provide current documentation that they are registered by the State of New Jersey as required by the Tree Experts and Tree Care Operators Licensing Act, N.J.S.A. 45:15C-11 et seq. and its implementing regulations at N.J.A.C. 7:3A-1.1 et seq. (collectively, the "Act") and are licensed as, or employ, a licensed tree expert (LTE) or licensed tree care operator (LTCO) pursuant to the Act; provide a current certificate of insurance showing evidence of general liability insurance in the minimum amount of \$1 million and workers' compensation insurance, as required by the Act, and pay the annual fees provided in paragraph B. of this § 227.3.**

**B. The annual registration fee shall be \$25.00 for the first motor vehicle and \$15.00 for each motor vehicle thereafter per calendar year, and no part of such fee shall be prorated for any part of the year. Upon payment of the fee, the Borough Clerk shall issue an identification sticker or decal for the calendar year for which the registration is issued, and which shall be affixed to each registered vehicle, visibly displayed.**

#### **§ 227.4 Violations and penalties**

**Any person who violates any provision of this chapter shall, upon conviction, be subject to the penalties provided in Chapter 1, General Provisions, Article III, "General Penalty Provisions" of the Borough Code.**

**SECTION 2:** Each section of this Ordinance and every subsection hereof shall be deemed independent, separate and distinct from all other sections, and the holding of any section or a part hereof to be unconstitutional, void, or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other section or part hereof, and to this end, the provisions of this Ordinance are hereby declared severable.

**SECTION 3.** All other ordinances, codes or parts thereof that are in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such conflict or inconsistency. In the event of any inconsistencies between the provisions of this Ordinance and any prior Borough ordinances, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Borough's ordinances are hereby ratified and confirmed, except where inconsistent with the terms hereof.

**SECTION 4:** This Ordinance shall take effect upon passage and publication as required by law.

Introduced: February 27, 2024

	<b>Motion</b>	<b>Second</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>
Reinitz			X			
Rottenstrich	X		X			
Cutrone			X			
Krause		X	X			
Peluso						RESIGNED

Adopted: March 26, 2024

	<b>Motion</b>	<b>Second</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>
Salinas			X			
Krause		X	X			
Reinitz	X		X			
Cutrone			X			
Rottenstrich			X			

**Attest:**

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Nicholas J. Magarelli, RMC  
Municipal Clerk

**Approved:**

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Gail Rottenstrich  
Mayor