

Chapter 274

TREES

[HISTORY: Adopted by the Mayor and Council of the Borough of Palisades Park 7-8-1976 as Section 10-5 of the Revised General Ordinances of 1975; amended in its entirety 8-16-1994 by Ord. No. 1195. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Environmental Commission — See Ch. 28.

Property maintenance — See Ch. 226.

Land use and development — See Ch. 167.

Streets and sidewalks — See Ch. 258.

§ 274-1. Definitions.

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

ENVIRONMENTAL COMMISSION — A commission consisting of seven members appointed by the Mayor with the advice and consent of the Council, all of whom shall be residents of the Borough of Palisades Park and shall serve in accordance with the provisions of Ordinance No. 851, entitled "Environmental Commission."¹

PUBLIC STREET OR PLACE — Any property which is owned by the Borough of Palisades Park, in fee; any property which is leased by the Borough of Palisades Park; and any property which lies within the public right-of-way adjacent to or contiguous to a dedicated or undedicated roadway.

§ 274-2. Fastening electric wires or other devices prohibited.

No person shall fasten any electric wire or wires, sign, rope or other device on any shade tree in any public street or place, including any public right-of-way.

§ 274-3. Climbing restricted.

No person shall climb any shade tree on any of the public streets or places by the use of spurs or other instruments which perforate or injure the bark of such tree.

§ 274-4. 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 Borough of Palisades Park.
- B. The fee for obtaining said permit shall be \$25, which must be paid upon the filing of the application for a permit. This fee shall be paid in the form of a check or

1. Editor's Note: See Ch. 28, Environmental Commission.

money order payable to the Tree Preservation Fund and will be dedicated for the use of the Environmental Commission for the purposes of said Commission and for maintaining, planting or otherwise caring for trees within the municipality.

- C. Upon receipt of any application for a permit as reported herein, the Building Department shall promptly forward copies of the same to the Environmental Commission and to the Department of Public Works. The Department of Public Works will then conduct a prompt site investigation and will notify the Building Department in writing of its recommendation. The Building Department shall consider the recommendations of the Department of Public Works in determining whether or not to grant the permit or impose conditions on the same. The Building Department shall, however, have in its sole discretion the power to reject or grant said permit application. The Building Department shall promptly notify the applicant in writing regarding its decision to grant or reject the permit. **[Amended 10-19-1999 by Ord. No. 1324]**

§ 274-5. Permit to cut limbs required.

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 or limb of any such trees unless the same shall be dead, diseased, broken, decayed or constitute a menace to the safety of the public, without a permit from the Building Department. 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.

§ 274-6. 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 borough, 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.

§ 274-7. Fee for replacement trees. [Amended 10-19-1999 by Ord. No. 1324; 12-18-2001 by Ord. No. 1392]

If the application is approved by the Building Department, then the property owner is required to remit a fee of \$500, payable to Palisades Park Tree Preservation Fund, which is to be specifically earmarked for the planting of new trees at a location within the discretion of the Environmental Commission. If the tree is deemed unsafe or hazardous, there will be no additional cost assessed by the borough for the property owner to remove the tree.

§ 274-8. Restrictions 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.

§ 274-9. Unsafe trees; permit requirements and exceptions.

In the event that the Police Department, Fire Department or Department of Public Works declares a tree to be unsafe, the property owner shall be permitted to remove said tree or trim the affected areas of the tree without first obtaining the permit described herein; however, the property owner shall be required to immediately file the appropriate application for a permit and forward a copy of the application to the Environmental Commission in order to inform the Building Department and the Environmental Commission of the actions taken and the reasons therefor.

§ 274-10. Notice of violations; enforcement.

In the event that the Environmental Commission or any member thereof 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.

§ 274-11. Violations and penalties.

Any person found guilty of violating any provision of this chapter shall, upon conviction of the same, be fined a sum not to exceed \$500 for each offense. Those violations affecting more than one tree shall be considered a separate violation as to each tree. Each day of any violation of this chapter shall constitute a separate offense.

