

# TOWNSHIP OF MAPLEWOOD



## ORDINANCE

#2355-06

**AN ORDINANCE  
TO AMEND CHAPTER 227  
OF THE CODE OF THE TOWNSHIP OF MAPLEWOOD  
Entitled  
"SHADE TREES"**

*"Interpretive Statement"*

*This ordinance will revise guidelines for its protection of trees owned by the Township of Maplewood.*

**BE IT ORDAINED**, by the Township Committee of the Township of Maplewood, County of Essex, State of New Jersey, that Chapter 227 of the Code of the Township of Maplewood be amended as follows:

**FIRST: DEFINITIONS** - As used in this Ordinance

***Dripline*** shall mean the circular area surrounding a tree, the radius of which area shall be the distance from the trunk of the tree to the outermost branch of the tree.

***Permit*** shall mean a license issued by the Department of Public Works to remove or destroy a tree.

***Root system*** shall mean tree roots within the dripline perimeter.

***Director of the Department of Public Works*** shall mean that individual appointed by the Township Committee having direct charge and management of the maintenance and/or repair of all streets, sewers, drainage, shade trees, parks and other like operations performed by the Township.

***Township Engineer*** shall mean the qualified professional engineer and certified municipal engineer licensed by the State of New Jersey and appointed by the Township Committee to oversee planning, construction, and maintenance of public improvements and other matters of similar character.

**Enforcement Officer** shall mean the Supervisor of Parks and Shade Trees of the Township of Maplewood or his/her duly authorized representative.

**Township Shrub** shall mean a shrub located on land owned by the Township, or other public Township body or which is located on a street, highway, right-of-way or parkway.

**Township Tree** shall mean a tree located on land owned by the Township, which is located on a street, highway, right-of-way or parkway.

**Tree** shall mean any living woody perennial plant having a diameter greater than four (4) inches measured at a point four (4) feet above the ground.

**SECOND: MAINTENANCE OF TOWNSHIP TREES AND SHRUBS**

- (a) All Township trees and shrubs located on property owned by the Township shall be maintained solely by the Township of Maplewood.
- (b) The Director of Public Works shall be empowered to authorize garden clubs, individuals or civic associations to adopt certain Township trees and shrubs and flower beds for care and maintenance, when he/she deems it in the public interest to do so.

**THIRD: PROHIBITED ACTS**

- (a) It shall be unlawful to commit any of the following acts with respect to Township trees without the prior written permission of the Enforcement Officer.
  - (1) Cut, prune, break, injure, alter or remove any Township tree in any way; or cut, unduly disturb, regrade or interfere in any way with any root of a Township tree.
  - (2) Spray any Township tree with a chemical.
  - (3) Fasten any rope, wire, sign, or other device to a Township tree or to any guard about such a tree, or install any nails, screws, spikes, hooks, or fasteners of any type whether into or on or around any Township tree or part thereof.

- (4) Install, remove or injure any guard or device placed to protect any Township tree.
  - (5) Close or obstruct the area encompassing the dripline so as to restrict the access of air, water and fertilizer to the roots of such tree.
  - (6) String any wires or lines from one Township tree to another or to any other point.
- (b) The Enforcement Officer shall grant written permission if the activity for which such permission is requested is, in his/her opinion in the public interest and not likely to materially injure any Township tree.
  - (c) Any damage to any Township tree by machines, objects, autos, etc. shall constitute a violation of this Ordinance.
  - (d) No person shall move, or cause to be moved, any building or large object along any street without having first obtained a valid permit from the Director of Public Works who, if he/she deems necessary, may require a bond or cash deposit to be furnished in an amount sufficient to cover any damage to, or destruction of, Township trees on such street or streets as a result of such moving operations.

**FOURTH: VIOLATIONS AND PENALTIES**

Any violation of this Ordinance shall be punished by a fine not to exceed one thousand two hundred fifty (\$1,250.00) dollars.

**FIFTH: SEVERABILITY**

If any section, paragraph, subparagraph, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the specific section, paragraph, subparagraph, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

**SIXTH: REPEAL OF PRIOR ORDINANCES**

Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance be and the same are hereby repealed to the extent of any such inconsistencies.

**SEVENTH: Effective Date**

This Ordinance shall take effect after final passage and publication according to law.

**PUBLIC NOTICE** is hereby given that the foregoing proposed Ordinance was introduced and read by title for the first time at a meeting of the Township Committee of the Township of Maplewood, held on May 16, 2006 and that Committee met again on June 20,

2006, at 7:30 p.m. at the Municipal Building, 574 Valley Street, Maplewood, New Jersey, at which time and place the Committee proceeded to consider the said Ordinance on second reading and final passage.

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**ELIZABETH J. FRITZEN, R.M.C.**  
Township Clerk