

INFORMATION ABOUT PROPOSED ORDINANCE TO REGULATE SHADE TREES

Per Richard Schwab – 11/18

Goals of New Ordinance

1. Be comprehensive and clear
 - a. Cover violations and process to protect trees
 - b. Cover when utilities and DPW can deal with trees
2. Improve service delivery
 - a. Speed up decisions by authorizing the ST Professional to issue permits
 - b. Provide for appeals to the TC
3. Set planting regulations, particularly for new developments, to avoid problems from the past
 - a. Use standards from species and spacing
 - b. Make the DSTC the authority for approving new plantings in new developments
 - i. But make clear that Rec is the authority for plantings in parks
 - c. Require root shields to try to prevent future sidewalk damage (unless STC decides otherwise)
4. Make clear that the TC must fund the budget to meet the ST plan – means an increase in funding

Summary of Significant Provisions in the Proposed New Shade Tree Ordinance

1. Lots of definitions are added.
2. The Community Forestry Management Plan (CFMP) & Community Stewardship Incentive Program (CSIP) plans are defined and used to plan and fund the ST operation.
3. Defines violations and penalties, with several categories depending on severity and ability to abate.
4. Provides for all tree planting approvals in the ROW to be made by the DSTC, including for new developments whose applications are before the JLUB (must amend sections 100-7C, 100-11D, & 100-42).
5. Includes many standards for planting locations and species decisions including from NJ Shade Tree Federation, Fire Safety and Traffic/pedestrian Safety, but allows the DSTC to waive any requirements to meet specific location needs.
6. Makes it clear that plantings within parks are under the jurisdiction of the Recreation Commission per the recent code amendment (section 216-4).
7. Requires root barriers for new planting adjacent to sidewalks, unless waived by the DSTC.
8. Provision is made for a Shade Tree Professional appointed by the TC upon the recommendation of the DSTC to help carry out the policies and be authorized to make decisions to authorize removals, trimming, etc without the need to wait until the DSTC meets and decides.
9. Provides a permit system for removals, trimming and plantings.
10. Adds an appeals process to the TC from decisions of the DSTC.