

ORDINANCE NO. 12, 2013

AN ORDINANCE REGULATING THE REMOVAL OF HAZARDOUS, DAMAGED AND DISEASED TREES IN THE CITY OF LINWOOD AND REPEALING ALL ORDINANCES HERETOFORE ADOPTED, THE PROVISIONS OF WHICH ARE INCONSISTENT HEREWITH.

BE IT ORDAINED, by the Common Council of the City of Linwood, County of Atlantic and State of New Jersey as follows:

SECTION 1: Removal of trees which are nuisances.

A. Any tree or ornamental tree growing on private property which is endangering or, in the opinion of the Code Enforcement Officer, constitutes a danger to the public streets, public places, or public right of way or which in any way endangers the usefulness of a public sewer or public utility shall be removed or trimmed by the owner of the property within 30 days after receipt of notice by certified mail from the Code Enforcement Officer. In the event the property owner fails to remove or trim such tree within said time, the Code Enforcement Officer may then have such tree removed or trimmed and assess the cost thereof against the property owner. Ten days' prior notice of the assessment hearing before the governing body shall be given to the property owner and, upon confirmation by the governing body, such cost shall become a lien on the property and shall bear interest of the same rate as taxes and shall be collected and enforced by the same officer and in the same manner as taxes or may be collected by court action.

B. The decision of the Code Enforcement Officer shall be based upon the following:

(1) The condition of the tree(s) with respect to disease and hazardousness, danger of falling, proximity to public streets, existing or proposed structures and interference with utility services.

(2) The effect of the removal on the ecological systems.

(3) The character at the proposed site of removal with respect to existing vegetation management practice.

SECTION 2: Administration and enforcement.

This article shall be administered and enforced by the Code Enforcement Officer who shall be designated from time to time by resolution of the City's governing body.

SECTION 3: Appeals.

Any person aggrieved by the decision of the official discharged with the administration and enforcement of this article shall have the right, within 10 days of the issuance of any decision by such official to appeal to the Linwood Shade Tree Commission for approval of an alternate plan, and such Shade Tree Commission shall take action as it deems necessary in either matter. In the event of such an appeal, the procedures shall be as set forth and directed by the Shade Tree Commission.

SECTION 4: Violations and penalties.

Any person violating or failing to comply with any of the provisions of this article shall, upon conviction thereof, be punished by a fine of not more than \$1,000 or by imprisonment in the county jail for a term not to exceed 90 days, or both, in the discretion of the court. Each tree removed or damaged in violation of this article shall be deemed a separate offense.

SECTION 5: All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

SECTION 6: Should any sentence, clause, sentence, phrase or provision of this ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.

SECTION 7: This ordinance shall take effect upon its final passage, publication and adoption in the manner prescribed by law.

<i>FIRST READING:</i>	<i>July 10, 2013</i>
<i>PUBLICATION:</i>	<i>July 15, 2013</i>
<i>PASSAGE:</i>	<i>August 14, 2013</i>

The within Ordinance was introduced at a meeting of the Common Council of the City of Linwood, County of Atlantic and State of New Jersey held on, July 10, 2013 and will be further considered for final passage after a public hearing thereon at a meeting of said Common Council on August 14, 2013.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

RICHARD L. DEPAMPHILIS, III, MAYOR