

**BOROUGH OF EMERSON**

**COUNTY OF BERGEN,**

**NOTICE OF ADOPTION**

**Introduced: July 16, 2019**

**Adopted: August 13, 2019**

**NOTICE IS HEREBY GIVEN** that the following ordinance was adopted on the second reading after a Public Hearing at the Regular Meeting of the Borough Council of the Borough of Emerson on the 13th day of August, 2019. A copy of Ordinance 1597-19 is on file in the Borough Clerk's Office in the Municipal Building, 1 Municipal Pl., Emerson, NJ 07630.

**ORDINANCE NO. 1597-19**

**AN ORDINANCE AMENDING CHAPTER 89 SHADE TREE COMMISSION,  
SECTION 5: POWERS**

**Recommended amendments to Chapter 89, re: tree inspector duties and tree hazard emergencies**

Recommended changes to Chapter 89, Shade Tree Commission, have been highlighted in yellow.

**§ 89-5. Powers.**

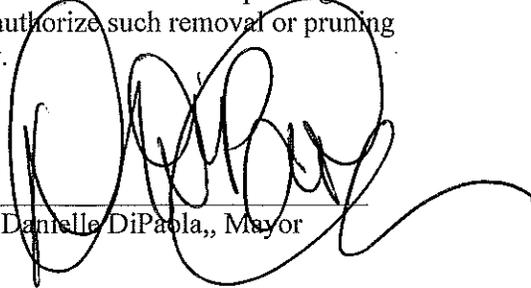
The Shade Tree Commission organized under this chapter shall have power to:

- A. Exercise full and exclusive control over the regulations, planting and care of shade and ornamental trees and shrubbery now located, or which may hereafter be planted, in any public highway, park or parkway, except such as are excluded pursuant to § 89-1 of this chapter, including the planting, trimming, spraying, care and protection thereof.
- B. Regulate and control the use of the ground surrounding the same, so far as may be necessary for their proper growth, care and protection.
- C. Move or require the removal of any tree, or part thereof, dangerous to public safety.
- D. Care for and control such parks and parkways; encourage arboriculture; make, alter, amend and repeal, in the manner prescribed for the passage, alteration, amendment and repeal of ordinances by the governing body of the municipality, any and all ordinances necessary or proper for carrying out the provisions hereof.

- E. Administer treatment to, or remove, any tree situated upon private property, which tree is believed to harbor a disease or insects readily communicable to neighboring healthy trees in the care of the municipality and enter upon private property for that purpose, with the consent of the owner thereof, provided that the suspected condition is first confirmed by certificate issued by or on behalf of the New Jersey Department of Agriculture.
- F. Annually appoint a tree inspector, who shall have the following powers and responsibilities:
- 1) To respond to all requests by borough homeowners and business owners for the removal and/or pruning of trees on the borough's right-of-way (10 foot easement), through physical inspection and any other means necessary;
  - 2) To respond to requests by other borough officials and commissions for the removal and/or pruning of trees on borough property, through physical inspection and any other means necessary;
  - 3) To inspect trees on borough property or the borough's right-of-way that may exhibit any of the following: physical or mechanical damage, flood or drought damage, disease or insect infestation, root damage, pollution or chemical damage or fire damage;
  - 4) To inspect the work of contractors hired by the Borough or Commission for the purposes of tree removal, tree pruning or stump removal;
  - 5) To inspect the work of landscapers/contractors hired by the Borough or the Commission to plant trees or shrubs on the borough's property or right-of-way;
  - 6) To respond to emergency requests for the immediate removal or pruning of a tree that may be hazardous to people and/or property.
  - 7) To make monthly reports to the Commission, in person or in writing, regarding all work accomplished since the previous report, including but not limited to the inspection of borough trees that may require removal or trimming, and the inspection of any tree maintenance work done by the Commission's tree removal contractor or any other agency.
  - 8) To mark any and all trees that have received Commission approval to be removed.
  - 9) To work in conjunction with Borough officials and the Commission's tree and stump removal contractors, to help ensure the appropriate removal and pruning of trees and removal of stumps;
  - 10) To provide input and expertise to assist the Commission in making decisions about tree removal, tree planting and tree management.
- G. Authorize the Commission's tree inspector, or any other borough official so designated by the Commission, to respond to emergency requests for the immediate removal or pruning of a tree that may be hazardous to people and/or property, and to authorize such removal or pruning without prior Commission approval, if deemed necessary.

ATTEST:

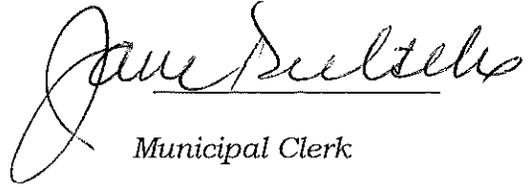
  
Jane Dietsche, RMC, Borough Clerk

  
Danielle DiPaola, Mayor

COUNCIL	M O V E D	S E C O N D E D	A Y E S	N A Y E S	A B S E N T	A B S T A I N
Bayley			X			
Hoffman	X		X			
McGuire		X	X			
Falotico			X			
Knoller			X			
Gordon			X			

*I hereby certify that the above Ordinance was duly adopted by the Borough of Emerson at a meeting held on August 13, 2019.*

Attest:

  
Municipal Clerk