

CRANBURY TOWNSHIP ORDINANCE 04-24-12

**AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF CRANBURY,
MIDDLESEX COUNTY, NJ, CHAPTER 41 TITLED "SHADE TREE COMMISSION"**

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Cranbury, Middlesex County, New Jersey, as follows:

SECTION 1. The recitals contained in the foregoing preamble are incorporated herein as if fully restated.

Chapter 41, of the Code of the Township of Cranbury ("Code"), shall be amended as follows (additions are underlined; deletions are in [brackets]):

[§ 41-6 Cost of trees and improvements; charge and lien on property; exception.

A. Except as hereinafter provided, the initial cost of all trees planted by the Commission, the cost of planting the same, the cost of the posts and boxes or guards used for the protection thereof, and the cost of the removal of any tree or part thereof dangerous to public safety shall, if the Commission shall so determine, in accordance with uniform rules and regulations promulgated for this purpose, be a charge upon the real estate in front of which such tree or trees shall be planted or removed as an improvement thereof. Such cost if it is so determined that it is to be paid by the owner shall, unless paid directly to the Commission, be certified by it to the Collector of Taxes of the Township of Cranbury, shall thereupon become and be a lien upon said real estate, shall be included in the next tax bill rendered to the owner or owners thereof, and be collected in the same manner as other liens against that property.

B. The provisions of this section shall not apply to:

- (1) A planting to replace a tree or trees therefore planted by the Commission.
- (2) A planting in connection with Arbor Day exercises or other educational demonstration.]

[§ 41-[7]6 Planting and removal of trees[; notice and hearing; emergencies]

Refer to Chapter 131

[In every case where the property of an abutting owner will be chargeable with the cost of the planting of any shade tree or trees, the Commission shall give notice of the meeting at which it is proposed to consider said planting by publishing the notice at least once, not less than 20 days before the meeting in the Cranbury Press, or by personal service of a copy of the notice upon the abutting owner at least 10 days before the meeting. The notice shall specify the street, streets, or portions thereof, on which such planting is proposed and require all persons who may object thereto to present their objections at the office of the Commission at or before the meeting. Before final action shall be taken, all objections so filed shall be considered. The Commission shall give reasonable notice of its intention to remove, or cause the removal of a tree, or part of a tree, dangerous to public safety, unless public safety requires immediate removal in which case no notice shall be necessary.]

§ 41-[8]7 Public improvements affecting trees; consent of Commission, County Park Commissions unaffected.

No statute giving any person or state, county or municipal board, body or official power or authority to lay any sidewalk along, or to open, construct, curb or pave any street, or to do any similar act, shall be construed to permit or authorize any interference with or injury to a highway shade tree without the consent

of the Shade Tree Commission. In all cases such Commission shall reasonably cooperate with such person, board, body or official for the general public good. Nothing contained in this chapter shall be held to take away or diminish any of the powers or authority of the Middlesex County Park Commission over the trees or shrubbery in any Middlesex County Park or Parkway within its jurisdiction or to give any other commission or board any power or authority with respect to such trees or shrubbery.]

§ 41-[9]8 **Annual appropriation; estimate; amount.**

[§ 41-10 **Penalty; jurisdiction of courts; copy of ordinance as evidence.**

A. The Commission may prescribe a fine for violation of its ordinances in an amount not exceeding \$1,500 for each violation, and the Cranbury Township Municipal Court shall have jurisdiction over actions for the violation of such ordinances, and its ordinances shall be enforced by like proceedings and process as that provided by law for the enforcement of ordinances of the Township of Cranbury. The officers authorized by law to serve and execute process for the Cranbury Township Municipal Court shall be the officers to serve and execute any process issued out of the Municipal Court for violations of the ordinances of the Commission.

B. A copy of any ordinance of the Commission, certified to under the hand of its secretary or Chairman, shall be received in any court of this State as full and legal proof of the existence of the ordinance, and that all requirements of law in relation to the ordaining, publishing and making of the same, so as to make it legal and binding, have been complied with, unless the contrary be shown.

C. In addition to the penalties authorized by Subsection **A** of this section, the Commission may require a person who removes or otherwise destroys a tree in violation of a municipal ordinance to pay a replacement assessment to the municipality. The replacement assessment shall be the value of the tree as determined by the appraisal of a trained forester Certified Tree Expert retained by the Commission for that purpose. In lieu of an appraisal, the Commission may adopt a formula and schedule based upon the number of square inches contained in a cross section of the trunk of the tree multiplied by a predetermined value per square inch, not to exceed \$27 per square inch. The square inch cross section shall be calculated from the diameter at breast height and, if there is a multiple stem tree, then each trunk shall be measured and an average shall be determined for the tree. For the purposes of this section, "diameter at breast height" shall mean the diameter of the tree taken at a point 4.5 feet above ground level. The Commission shall modify the value of the tree upon its species variety, location and its condition at the time of removal or destruction.

D. Any public utility or cable television company that clears, moves, cuts, or destroys any trees, shrubs, or plants for the purpose of erecting, installing, moving, removing, altering or maintaining any structures or fixtures necessary for the supply of electric light, heat or power, communication, or cable television services upon any lands in which it has acquired an easement or right-of-way shall not be subject to any

penalty imposed by a Commission pursuant to Subsections A or C of this section. This subsection shall not exempt any public utility or cable television company from any penalty or replacement assessment imposed for negligent actions.]

[§ 41-11 Disposition of penalties.

All moneys collected, either as fines or penalties, for any violation of a rule or regulation of a Shade Tree Commission enacted by ordinance, or as a charge against real estate, under any provision of this chapter shall be forthwith paid over to the custodian of the municipal funds.]

§ 41-[12]9 Ordinances by Shade Tree Commission.

§ 41-[13]10 Public notice.

§ 41-[14]11 Severability.

Section 2. Repealer. All ordinances or resolutions or parts thereof inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

Section 3. Effective date. This ordinance shall take effect upon its passage and publication, as required by law.

The ordinance published herewith was introduced and passed upon first reading at a meeting of the governing body of the Township of Cranbury, in the County of Middlesex, State of New Jersey held on April 22, 2024. It will be further considered for final passage, after a public hearing thereon, at a meeting of the governing body to be held in the meeting room of Town Hall, 23-A North Main Street, in the Township of Cranbury on May 13, 2024 at 7:00 P.M. and during the week prior to and up to and including the date of such meeting, copies of said ordinance will be made available at the Clerk's Office to the members of the general public who shall request the same.

Debra A Rubin, RMC
Municipal Clerk