

COUNTY OF BERGEN
BOROUGH OF PARAMUS
ORDINANCE No. 2021-31

**AN ORDINANCE TO AMEND PART II, ADMINISTRATIVE LEGISLATION,
CHAPTER 129, SHADE TREE AND PARKS COMMISSIONERS, BOARD OF
OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF PARAMUS**

BE IT ORDAINED, by the Mayor and Council of the Borough of Paramus, County of Bergen and State of New Jersey, that Chapter 129, Shade Tree and Parks Commissioners, Board of, of the Code of the Borough of Paramus, is hereby amended as follows:

Section 1. The current text of Borough Ordinance, Chapter 129, Shade Tree and Parks Commissioners, Board of, shall hereby be amended as follows:

§ 129-1 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

BOARD

The Board of Shade Tree Commissioners.

STREET

Any public highway, public place and park or parkway, except a county park or parkway.

TREE

Any tree, shrub or plant or any root, branch, flower or any part thereof.

§ 129-2 Board established; membership; compensation.

There shall be established a Board of Shade Tree Commissioners of the Borough, which shall consist of seven members, residents of the Borough appointed by the Mayor and who shall serve without compensation except as hereinafter provided.

§ 129-3 Terms of office; vacancies.

A. All appointments to the Board shall be for the terms of five years each, to take effect on January 1, except that the members first appointed to the Board shall be appointed for the respective terms of three, four and five years. The members appointed to the Board to reflect the increase in the size of the Board from five to seven members shall initially be appointed for the respective terms of one and two years.

**COUNTY OF BERGEN
BOROUGH OF PARAMUS
ORDINANCE No. 2021-31**

[Amended 3-11-1999 by Ord. No. 99-02]

B. Any vacancy occurring by reason of death, resignation or removal shall be filled by the Mayor for the unexpired term.

§ 129-4 Organization; salaries of employees.

The Board shall organize annually by the election of one of its members as Chairman and the appointment of a Secretary who need not be a member of the Board. The salary of the Secretary, who may be compensated even if a member of the Board, and the salary of all other employees shall be fixed by the Council. All salaries shall be fixed as nearly as practicable in accordance with the salary schedule of the Borough for corresponding positions.

§129-5 Powers and duties.

The Board shall have power to:

A. Exercise full control over the regulation, planting and care of shade and ornamental trees and shrubbery now located or which may hereafter be planted in any street in the Borough, including the planting, trimming, spraying, care and protection thereof. (see Commission Policy Manual attached hereto as Exhibit A)

B. Regulate and control the use of the ground surrounding the aforesaid shade and ornamental trees and shrubbery, 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 if the Board determines it to pose a danger to the health, safety, and welfare of the general public, at the expense of the owner of such tree.

D. Assess fines and restitution for illegally removed trees;

E. Remove healthy Borough trees that have caused repetitive damage to sidewalks, which have already been remediated through the Borough's Sidewalk Replacement Program within the previous five years. Provided all options to resolve the tree/ sidewalk conflict have been exhausted.

**COUNTY OF BERGEN
BOROUGH OF PARAMUS
ORDINANCE No. 2021-31**

F. Authorize a property owner to hire a Licensed Tree Care Operator (LTCO) to remove healthy Borough trees:

- 1. The property owner shall submit a permit application prior to the removal of the tree;**
- 2. The cost of the tree removal shall be at the expense of the property owner;**
- 3. The removal of the tree shall include the stump. All stumps must be ground through the root flare to bare soil for planting where applicable;**
- 4. The homeowner shall be responsible for the replacement cost of the tree calculated based on the formula established by the Guide for Plant Appraisal, published by International Society of Arboriculture (ISA), 9th Edition, as updated periodically;**
- 5. The replacement cost of trees for residential properties shall be 50% of the ISA evaluation, not to exceed \$5,000.00 (five thousand dollars); and**
- 6. Any removed tree shall be replaced with a new tree with the species and location to be determined by the Commission.**

G. Contract with the owner of any real estate in the Borough to supply them with material and labor for the purpose of planting, cultivating or removing trees, grass, flowers or shrubbery, and to charge the actual cost thereof to such owner. If, after such material or labor is supplied, payment therefor is not made on demand, the Board may certify the actual cost thereof to the Collector of Taxes, who shall collect the sum so certified as other taxes on real property are collected.

H. Make, alter, amend and repeal any and all ordinances necessary or proper for carrying out the provisions of this chapter.

I. In the event that any court of competent jurisdiction shall declare any section of this Ordinance invalid for any reason, or if the laws of the State of New Jersey forbid such Ordinance, all other sections of the Ordinance shall remain in full force and effect.

§ 129-6 Cost of plantings.

A. In accordance with the provisions of N.J.S.A. 40:64-8, except as hereinafter provided in Subsection B of this section, the initial cost of all trees planted by the Board, 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 Board so determines in accordance

**COUNTY OF BERGEN
BOROUGH OF PARAMUS
ORDINANCE No. 2021-31**

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 required to be paid by the owner, shall, unless paid directly to the Board, be certified by it to the Collector of Taxes of the Borough. Such cost 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 shall be collected in the same manner as other taxes against that property.

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

(1) A planting to replace a tree or trees there to fore planted by the Board;
and

(2) A planting in connection with Arbor Day exercises or other educational demonstration.

§ 129-7 Annual appropriation.

A. During the month of December in each year, the Board shall certify to the Council the estimated sum necessary for the proper conduct of its work during the ensuing calendar year, which shall include the sums estimated to be expended for such of the following items as it is anticipated expenditure will be made for:

(1) Payment of wages and salaries of employees.

(2) Expenses of Board members in discharging official duties, including expenses incident to attendance at professional meetings.

(3) Purchase of trees and shrubbery.

(4) Purchase of necessary equipment and materials and the cost of services for the prudent promotion of the work.

B. The Council shall annually appropriate such sum as it may deem necessary for the purposes stated in Subsection **A** of this section.

Section 3. Any ordinance or part thereof inconsistent with this ordinance is repealed to the extent of such inconsistency.

COUNTY OF BERGEN
BOROUGH OF PARAMUS
ORDINANCE No. 2021-31

Section 4. This ordinance shall take effect following adoption and approval in a time and manner provided by law

ATTEST:



Annemarie Krusznis, RMC
Borough Clerk

BOROUGH OF PARAMUS



Richard A. LaBarbiera
Mayor

INTRODUCED: June 30, 2021
ADOPTED: July 21, 2021