

**BOROUGH OF ALLENTOWN  
COUNTY OF MONMOUTH  
STATE OF NEW JERSEY**

**ORDINANCE NO. 04-2020**



**AN ORDINANCE REPLACING CHAPTER 24: "PROTECTION OF TREES" OF THE BOROUGH'S REVISED GENERAL ORDINANCES WITH NEW CHAPTER 24: "PROTECTION OF TREES" TO CLARIFY STANDARDS RELATING TO THE PLANTING, PRUNING, CARE, AND MAINTENANCE OF TREES WITHIN THE BOROUGH**

**BE IT ORDAINED** by the Mayor and Council of the Borough of Allentown, County of Monmouth, State of New Jersey, that Chapter 24: "Protection of Trees" of the Borough's Revised General Ordinances is hereby amended and replaced with the new Chapter 24: "Protection of Trees" as follows:

**CHAPTER XXIV: PROTECTION OF TREES**

**24-1 Definitions.**

"Street Trees" are herein defined as trees, shrubs, bushes, and all other woody vegetation on land comprising the Borough's right-of-way on either side of all streets, avenues, or ways within the Borough.

"Park Trees" are herein defined as trees, shrubs, bushes and all other woody vegetation in public parks, and all areas owned by the Borough, or to which the public has free access as a park.

"Utility Trees" are herein defined as Street Trees that are under utility lines.

"Street Lawn" is herein defined as the area between the sidewalk and the curb, or if a curb is absent, then it is the area between the sidewalk and the edge of the roadway. If a sidewalk is absent, then it is the area 6 feet from the curb or, if absent, from the edge of the roadway.

"Borough Tree List" is herein defined as the list that specifies and mandates the species of trees, shrubs, and bushes that may be planted on public property within the Borough of Allentown. Said list shall describe the species, and indicate acceptable plantings for Street Trees, Utility Trees, and Park Trees. Said list shall further delineate the minimum Street Lawns area for the planting of Street Trees. Said list shall be maintained by the Shade Tree Commission and updated at least once every three years by the Shade Tree Commission.

**24-2 Tree Species Permitted.**

No species of tree, except those identified on the Borough Tree List may be planted on public property within the Borough of Allentown without the prior written permission of the Shade Tree

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Commission.

**24-3 Tree Planting Specifications.**

- a. Street Tree, Park Tree, and Utility Tree placement shall be in accordance with the Borough Tree List. If the Borough Tree List specifies a variety for a species, that variety, or one of similar species, height, spread, habit and hardiness, must be used. Species permitted in a smaller-width Street Lawn may be planted in a larger-width Street Lawn. No more than 10% of a species may be planted within the Borough. Areas that are difficult to diversify may be exempted from this requirement by the Shade Tree Commission.
- b. The spacing and clearances of trees shall be maintained as follows:
  1. Water Meter or Valve Box – 6 Feet
  2. Utility Pole – 10 Feet
  3. Street Corner – 30 Feet (From the curb of cross street to tree)
  4. Fire Hydrant – 15 Feet
  5. Stop Sign – 30 Feet
  6. Buried Utility Line – 3 Feet
  7. Curb cut or driveway – 7 Feet
  8. Minimum distance between trees (trunk to trunk) shall be 20 feet to 30 feet, depending upon the tree species and other local conditions, except that the minimum distance may be as close as 10 feet if the new planting is to succeed an existing tree that has been identified for future removal.

**24-4 Tree Maintenance and Care.**

The Shade Tree Commission and/or the Mayor and Council shall have the power to plant, prune, maintain, regulate, and remove trees, plants, and shrubs within the limits and rights-of-way of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to protect

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public safety or to preserve or enhance the symmetry and beauty of such public grounds in accordance with the procedures set forth in Section 2-56 of this Code. All pruning, care, and maintenance of Street Trees, Park Trees, and Utility Trees shall be in accordance with ANSI 300 Standards.

#### **24-5 Pruning, Corner Clearance.**

Every owner of any tree overhanging any street or right-of-way within the Borough shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of 8 feet above the surface of the street or sidewalk. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The Shade Tree Commission and/or the Mayor and Council shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light or interferes with visibility of any traffic control device or sign in accordance with the procedures set forth in Section 2-56 of this Code.

#### **24-6 Dead or Diseased Tree Removal on Private Property.**

The Shade Tree Commission and/or the Mayor and Council shall have the right to cause the removal of any dead or diseased trees on private property within the Borough, when such trees constitute a hazard to life and property, or harbor insects or disease which constitute a potential threat to other trees within the Borough in accordance with the procedures set forth in Section 2-56 of this Code.

#### **24-7 Removal of Stumps.**

All stumps of Street Trees, Park Trees, and Utility Trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

#### **24-8 Violations and Penalties.**

- a. Any person who violates any provision of this chapter shall, upon conviction thereof in Municipal Court, for a violation of any provision of this chapter, be liable to the penalty stated in Chapter I, Section 1-5 of this Code. Each instance of engaging in a separate regulated activity, including specifically each tree removed, in the violation of this chapter shall be deemed a separate offense.

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b. In addition, the Borough may institute civil action for injunctive or other relief to enforce the provisions of this chapter including requiring the replacement of all trees illegally removed and/or, at the option of the Borough, the payment of a contribution to allow equivalent mitigation on public land.

**BE IT FURTHER ORDAINED** by Mayor and Council that should any section, paragraph, sentence, clause, or phase of this ordinance be declared unconstitutional or invalid for any reason, the remaining portion of this ordinance shall not be affected thereby and shall remain in full force and effect, and to that end the provisions of this ordinance are hereby declared to be severable.

**BE IT FURTHER ORDAINED** by Mayor and Council that all ordinances or parts of ordinances inconsistent with this amending ordinance are hereby repealed to the extent of their inconsistencies only.

**BE IT FURTHER ORDAINED** by Mayor and Council that this ordinance shall be in full force and take effect after final passage and publication according to law.



THOMAS C. FRITTS, Mayor

ATTEST:



LAURIE A. ROTH, MAS, RMC, CMR  
Municipal Clerk

DATED:

MARCH 24, 2020

DATED:

MARCH 24, 2020