

LAND USE AND DEVELOPMENT

54 Attachment 3

Township of Rockaway

**Appendix B
Ordinances of the Shade Tree Commission¹**

STC:1-1 SHADE TREES.

STC:1-1.1 Permit Requirements.

A permit for planting, cutting and removal of trees, or parts thereof, shall be issued by the Shade Tree Commission after review and certification in writing of the application by the Commission. (Code 1971, § 71-1; Ord. No. 1-8-76)

STC:1-1.2 New Construction.

- a. The Commission shall review and certify all new construction applications requiring a building permit after compliance with the following:
 1. All trees located within areas to be occupied by buildings, driveways, parking areas or recreation areas, or within 15 feet of the perimeter of a building, shall be removed. The Commission, at the time of review of the application, may specify certain species of trees within the 15 feet that shall remain standing.
 2. The cut or fill of land required for proper development shall be such that it is not deemed injurious or dangerous to remaining trees.
 3. All dead or severely injured trees, or parts thereof, may be required to be removed within 75 feet of new construction on the applicant's property.
- b. An on-site inspection by one or more members of the Commission, or someone designated by the Commission, may be required for the purpose of examining trees to be removed prior to the issuance of certification by the Commission of the application, or periodically during construction to ascertain compliance with the controls and regulations contained herein.
- c. Where it is impossible to preserve existing trees, or where property is void of existing trees, the applicant shall be required to plant trees in accordance with the Commission requirements for planting.
- d. The Commission reserves the power to revoke a permit for the removal of trees at any time.

(Code 1971, § 71-2)

¹ Note: STC refers to Shade Tree Commission. See also Chapter 18, Trees.

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STC:1-1.3 Industrial, Commercial, Single and Multiple-Dwelling and Minor Subdivision Applications.

- a. Before review and certification of an industrial, commercial, single and multiple-dwelling of minor subdivision application, the applicant shall submit to the Commission, at least two weeks prior to a regular meeting of the Shade Tree Commission, a detailed final plan in duplicate showing the location of the following:
 1. Roads, curbs, sidewalks, buildings, oil tanks above or below ground, gas lines, water lines, sewer lines, septic systems, utility poles and wires, underground utility wires and other improvements.
 2. Trees to be preserved.
 3. New trees with their varietal names. These trees shall be located at least 10 feet from sidewalks and at least 25 feet from intersections.
- b. A cash bond may, at the discretion of the Township Engineer, be required for an amount set forth in subsection STC:1-1.6.
- c. Subsection STC:1-1.2 in its entirety shall also apply.

(Code 1971, § 71-3)

STC:1-1.4 Major Subdivision Applications.

- a. Before review and approval of major subdivision applications by the Commission, the applicant shall submit to the Commission at least two weeks prior to a regular meeting of the Shade Tree Commission, a location survey, plot plan or preliminary survey, in duplicate, showing the location of proposed streets and lots, the number and size of lots to be developed, and a detailed final plan, in duplicate, showing the location of the following:
 1. Roads, curbs, sidewalks, buildings, oil tanks above or below ground, gas lines, sewer lines, septic systems, utility poles and wires, underground utility wires and other improvements.
 2. Trees to be preserved.
 3. New Trees with their Varietal Names. These trees shall be located at least 10 feet from sidewalks and at least 25 feet from intersections.
- b. The applicant shall be required to plant a specific number of trees in approved locations whose caliper, measured one foot above the soil level, shall be at least 2 1/2 inches. Trees shall be straight of stem, having a fibrous root system ball and burlap, with a uniform branching habit. Trees shall be in healthy growing conditions, free of insects and disease. The applicant shall post a cash bond for each new tree planted.

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- c. Prior to trees being planted, the applicant shall request the Commission to send a representative to inspect the planting of trees. Should the representative not approve the plantings, other inspections shall follow until such time as the plantings are approved.
- d. A final inspection shall be made two years after the approved inspection, and if the trees are found to be healthy and viable, the Commission shall release all cash bonds following the final inspection. Should trees be found defective at the time of final inspection, the Commission may, at its discretion, hire a nurseryman to execute the required plantings with the applicant bearing the cost from the posted bond.
- e. The destruction of trees by fire, vandalism, theft, motor vehicles or such other unnatural causes found to be acceptable to the Commission will not result in the forfeiture of the posted cash bond, provided that the destructive forces can be substantiated as having occurred during the ownership of some person or persons other than the applicant.

(Code 1971, § 71-4)

STC:1-1.5 Utility Permit.

An annual permit may be granted to a public utility for the purpose of cutting, planting and removing trees. (Code 1971, § 71-7)

STC:1-1.6 Fee Schedule.

All applicants to the Shade Tree Commission, other than an officer, department, board or agency of the Township acting in an official capacity, shall pay the following applicable fees.

- a. New Construction.
 - 1. Filing fee: \$5.
 - 2. Cutting, planting and removal permit: \$6.
- b. Minor Subdivision and Single Dwellings.
 - 1. Filing fee: \$5 per lot.
 - 2. Cutting, planting and removal permit: \$6 per lot.
 - 3. Inspection: \$2 per tree per inspection.
 - 4. Cash bonds: \$35 per tree; minimum of four trees per lot.

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- c. Major Subdivisions.
 - 1. Preliminary:
 - (a) Filing fee: \$5 per lot; \$50 maximum.
 - 2. Final:
 - (a) Cutting, planting and removal permit: \$6 per lot.
 - (b) Inspections: \$2 per tree per inspection.
 - (c) Cash bond: \$35 per tree; minimum of four trees per lot.
- d. Industrial, Commercial and Multiple Dwellings.
 - 1. Filing fee:
 - (a) First 20,000 square feet of lot or fraction thereof: \$10.
 - (b) For each 10,000 square feet thereafter: \$4.
 - (c) Maximum: \$50.
 - 2. Cutting, planting and removal permit: \$6.
 - 3. Inspections: \$2 per tree per inspection.
 - 4. Cash bond: \$35 per tree.
- e. Utilities.
 - 1. Cutting, planting and removal permit: \$100 annually.

(Code 1971, § 71-8; Ord. No. 1-8-76)

STC:1-1.7 Public Streets, Highways, Rights-Of-Way, Places and Parks.

No person shall remove or plant a tree or any other type of plant or shrubbery upon any of the streets and highways, or rights-of-way, public places or parks in the Township unless he shall have first obtained approval, in writing, from the Commission. (Code 1971, § 71-5)

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STC:1-1.8 Removal for Public Safety.

The Commission may cause the removal of a tree, or part thereof, dangerous to public safety, after reasonable notice of its intention to remove the tree, or part thereof, is given to the affected property owner or owners, or an abutting owner, unless public safety requires immediate removal, in which case no notice shall be necessary. Costs incurred by the Commission for the removal of the tree, or parts thereof, if it is so determined that the Commission is to be paid by the owner, shall be paid directly to the Commission. Upon failure of the owner to pay such costs to the Commission, the Commission shall certify to the Tax Collector, in writing, and thereupon become and be a lien upon the real estate, and shall be included in the next tax bill rendered to the owner(s) thereof, and be collected in the same manner as other taxes against the property. (Code 1971, § 71-6)

STC:1-1.9 Violations and Penalties.

Any person violating any of the provisions of the controls and regulations contained herein shall be subject to a fine not to exceed \$1,000. Any fine shall be imposed per tree at the discretion of the Construction Code Official or the Code Enforcement Official.