

Ordinance of the City of Jersey City, N.J.

File No. Ord. 20-111
Agenda No. 3.5 (1st Reading)
Agenda No. 4.4 (2nd Reading and Final Passage)



ORDINANCE AMENDING CHAPTER 321 (TREES) OF THE MUNICIPAL CODE OF THE CITY OF JERSEY CITY

COUNCIL AS A WHOLE offered and moved adoption of the following ordinance:

WHEREAS, street trees promote the health and welfare of the public by improving air quality, absorbing carbon dioxide and particulate matter as well as reducing storm water runoff and the potential for soil erosion; and

WHEREAS, in addition, City trees provide shade, lower air temperatures, protect pedestrians from rain, wind, sun and heat as well as reduce noise pollution and provide habitat for birds and other wildlife; and

WHEREAS, City trees also increase property values and enhance the City's aesthetic qualities, thus making the City more attractive to residents, visitors and businesses; and

WHEREAS, the Municipal Council finds that it must revise the existing ordinance governing street trees throughout the City to ensure that they are given maximum protection.

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Jersey City that Chapter 321 (TREES) of the municipal code of the City of Jersey City, be and is hereby amended as described in the attached Attachment A.

APPROVED AS TO LEGAL FORM

A handwritten signature in black ink, appearing to be "JMA", written over a horizontal line.

Business Administrator

A handwritten signature in black ink, appearing to be "P.D.", written over a horizontal line.

Corporation Counsel

Ordinance amending chapter 321 (TREES) of the municipal code of the City of Jersey City

RECORD OF COUNCIL VOTE ON INTRODUCTION – Dec 16 2020						
RIDLEY	AYE	SALEH	AYE	LAVARRO	AYE	8-0
PRINZ-AREY	AYE	SOLOMON	AYE	RIVERA	AYE	
BOGGIANO	AYE	ROBINSON	AYE	WATTERMAN, PRES	ABSENT	

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING – Jan 13 2021						
RIDLEY	AYE	SALEH	AYE	LAVARRO	AYE	9-0
PRINZ-AREY	AYE	SOLOMON	AYE	RIVERA	AYE	
BOGGIANO	AYE	ROBINSON	AYE	WATTERMAN, PRES.	AYE	

SPEAKERS:

Adam Cohen, Debra Italiano, Kathryn Moore, Denise Bailey, Carline Katz Mount, Jeanne Daly

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY –						
RIDLEY		SALEH		LAVARRO		
PRINZ-AREY		SOLOMON		RIVERA		
BOGGIANO		ROBINSON		WATTERMAN, PRES.		

RECORD OF FINAL COUNCIL VOTE – Jan 13 2021						
RIDLEY	AYE	SALEH	AYE	LAVARRO	AYE	9-0
PRINZ-AREY	AYE	SOLOMON	AYE	RIVERA	AYE	
BOGGIANO	AYE	ROBINSON	AYE	WATTERMAN, PRES.	AYE	

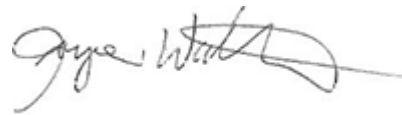
Adopted on first reading of the Council of Jersey City, N.J. on **Dec 16 2020**

Adopted on second and final reading after hearing on **Jan 13 2021**

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on Jan 13 2021



City Clerk



Joyce E. Watterman, President of Council
Approved: Jan 13 2021



Steven M. Fulop, Mayor
Date to Mayor: Jan 13 2021
Approved: Jan 14 2021

Ordinance amending chapter 321 (TREES) of the municipal code of the City of Jersey City

FACT SHEET -

This summary sheet is to be attached to the front of any ordinance that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the ordinance.

Project Manager

Mira Prinz-Arey, Councilperson	201-547-4878	MPrinz-Arey@jcnj.org
Division		

Note: Project Manager must be available by phone during agenda meeting (Wednesday prior to council meeting @ 1:00 p.m.)

Purpose

To amend and clarify section 321 (TREES) of the city code.

Cost (Identify all sources and amounts)

N/A

Contract term (include all)

ATTACHMENTS:

[ATTACHMENT A](#)
[c321 - ordinance for upload](#)

Approved by
John Metro, Director of Finance

Status:
Approved - Dec 08 2020

ATTACHMENT A

(Material indicated by strikethrough ~~like this~~ is existing material that is intended to be deleted. Material indicated by underline like this is new material that is intended to be enacted. Material indicated by bold and underline **like this** is new clarifying material that was added since the first reading of the Ordinance that does not constitute a material change and is intended to be enacted).

The following amendment to Chapter 321 (Trees) of the Jersey City Code are hereby adopted:

Chapter 321 - TREES

§ 321-1. - Definitions.

For the purpose of this Chapter, the following terms shall have the meaning given herein:

CANOPY means the extent of the outer layer of leaves of an individual tree formed by the leader together with the scaffold and lateral branches (Figure 1).

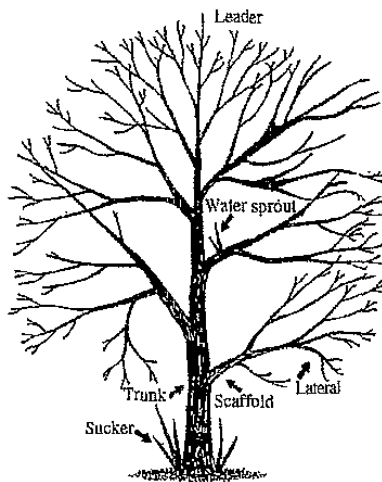


Figure 1

CITY TREE means (a) any living, self-supporting woody perennial plant that has a trunk diameter of at least two inches or more when measured at a point six inches above ground level and which normally attains an overall height of at least ten feet at maturity, usually with one main stem or trunk and several branches; and (b) planted in a public right-of-way, in a City park or on property owned by the City. The term "City tree" does not include trees on private property.

CROWN means the top part of the canopy (Figure 1).

DIVISION means the Division of Parks and Forestry.

DRIP LINE means the area defined by the outermost circumference of a tree canopy.

JERSEY CITY FORESTRY STANDARDS means the document promulgated by the Division of Parks and Forestry detailing the City's standards for the planting, maintenance and removal of City trees as defined herein. The Jersey City Forestry Standards shall be written and updated in consultation with the Shade Tree Committee and shall be subject to adoption by resolution from the Municipal Council.

LATERAL BRANCHES means the secondary branches that emerge from scaffold branches (Figure 1).

LEADER means the vertical stem at the top of the trunk (Figure 1).

MUNICIPAL FORESTER means the employee of the Division of Parks and Forestry responsible for overseeing the planting, maintenance and removal of all City trees and who is responsible for promulgating the Jersey City Forestry Standards as well as the list of City tree valuations published annually.

PUBLIC RIGHTS-OF-WAY means all land in the City of Jersey City dedicated or expressly reserved for the use of vehicular or pedestrian traffic and/or utilities.

PRUNE means cutting or removing less than 20 percent of the branching structure of a tree in the crown, trunk or root areas.

SCAFFOLD BRANCHES means the primary limbs that form a tree's canopy (Figure 1).

TOPPING means cutting or removing the leader in such a way as to disfigure the canopy resulting in stunted or abnormal growth.

TRUNK means the stem and main wooden axis of a tree (Figure 1).

§ 321-2. - Purpose.

The Municipal Council finds that the preservation of existing City trees and the planting of new City trees promote the health and welfare of the public in the following ways:

1. Conserving energy by providing shade, lowering urban air temperatures, and acting as a windbreak in winter;
2. Protecting pedestrians from rain, wind, sun and heat;
3. Improving air quality by producing oxygen, absorbing carbon dioxide and particulate matter;
4. Reducing noise pollution;
5. Providing habitat for birds and other wildlife;
6. Reducing storm runoff and the potential for soil erosion;
7. Increasing real estate property values; and
8. Enhancing the City's aesthetic qualities and thus making it more attractive to residents, visitors and businesses.

§ 321-3. - Prohibited activities.

No person shall do or cause to be done any of the following to a City tree as defined herein:

1. Hitch or fasten any animal, bicycle or vehicle to any guard or support attached to the City tree;
2. Permit any injurious substance, whether gaseous, liquid or solid, to come into contact with the [stumptrunk](#) or roots of any to any City tree;
3. Cover or obstruct any open space provided around the base of a City tree in such a way to prevent water or fertilizer from reaching the roots of the tree;
4. Pile any building material or make any mortar or cement within six feet of a City tree;
5. Affix a sign to a City tree through use of nails, staples, ropes, cables, wires, or other material that may cause punctures or girdling;
6. Cut or remove more than 20 percent of a City tree's canopy.

§ 321-4. - Acts requiring a permit.

- A. No person shall do or cause to be done any of the following without a permit from the Division of Parks and Forestry:
1. Plant a tree in the public rights-of-way;
 2. Remove a City tree;
 3. Prune, cut or saw a City tree;
 4. Spray a City tree with chemicals;
 5. Climb a City tree ~~with spikes~~;
 6. Cut, trim, break or disturb the roots of any City tree;
 7. Change the size or depth of a City tree bed or place any guard or structure around a City tree bed;
 8. Fasten any rope, guy wire, electric attachments, sign or any other device to a City tree or to any guard about the City tree;
 9. Remove any structure or device installed by the City to support or protect a City tree;
 10. Change the grade of the soil within the limits of the canopy of any City tree;
 11. Install an electrified wire above or through any City tree;
 12. Conduct any activity within 15 feet of a City tree such as construction, demolition, replacement of a sidewalk or driveway, erecting scaffolding, repairing underground utilities or services, and installation of infrastructure such as a street light.
- B. A separate permit shall be required for each tree affected by any of the foregoing acts.

§ 321-5. - Planting trees.

A property owner may plant a tree in the public rights-of-way abutting his or her property by obtaining a permit from the Division of Parks and Forestry subject to the following conditions:

1. The species shall be selected from the list of recommended trees in the Jersey City Forestry Standards and be planted and maintained according to the Jersey City Forestry Standards;
2. The owner shall carry liability insurance for any damage to property or injury to person by the planting of such City trees;
3. The owner shall maintain the sidewalk in accordance with Chapter 254 (Property Maintenance) and the tree-bed surrounding the tree in accordance with the Jersey City Forestry Standards;
4. A property owner to whom a permit is issued under this section may engage a private landscaper to plant a City tree or request that the Division plant the tree on behalf of, and as an agent for, the owner,

§ 321-6. - Removal of City trees.

- A. An adjoining property owner may be granted a permit for the removal of a City tree abutting his or her property in accordance with the Jersey City Forestry Standards under the following conditions:
1. The City tree poses a danger to persons or property which cannot be remedied except by removal; or
 2. The removal of the City tree is required for the development of the property or the improvement of the sidewalk.

- B. An owner granted a permit to remove a City tree under subsection A.2 shall make a payment to the City equivalent to the value of the tree, as determined annually by the Division of Parks and Forestry in accordance with the Jersey City Forestry Standards.
- C. If the Municipal Forrester determines that a tree requires removal, the Division of Parks and Forestry shall replace it with a tree from the list of recommended trees in the Jersey City Forestry Standards.
- D. Nothing in this section shall be construed to limit the power of the Division to move or require the removal of any City tree or part thereof for any purpose consistent with Section 321-2 and the Jersey City Forestry Standards.

§ 321-6.1 – Notice of Removal of City trees.

- A. Pursuant to the requirements as written and defined in the Jersey City Forestry Standards, at least ten (10) days before the removal of any two (2) or more trees by a property owner or party, notice shall be given to the owners of all real property as shown on the current tax duplicates within two hundred (200) feet in all directions of the tree to be removed. Notice shall be given by (1) serving a copy thereof on the property owner as shown on the said current tax duplicate, or his agent in charge of the property, or (2) mailing a copy thereof by certified mail to the property owner at his address as shown on the current tax duplicate.
- B. A copy of the notice provided to the property owners pursuant to § 321-6.1(A) shall be filed with the Division of Parks and Forestry.

A.C. Notice shall not be required for the emergency removal of any tree dangerous to public safety.

§ 321-7. - Permit application fee.

Application for the permit required under Section 321-4 shall be made in writing to the Division of Parks and Forestry, on forms to be supplied by the Division, accompanied by the fee provided in Chapter 160 (Fees and Charges).

§ 321-8. - Protection from wires, cables and electrical current.

Every person or entity having control over any wire for the transmission of an electric current along a public rights-of-way shall at all times guard all City trees through which or near which such wire passes against any injury from the wire or cable or from the electric current carried by it. The device or means used shall in every case be subject to approval by the Division of Parks and Forestry.

§ 321-9. - Violations and penalties.

The penalties provided under Section 1-25 shall apply to violations of this Chapter; provided, however, that the ~~minimum~~ penalty for a violation of this Chapter shall be ~~\$100.00~~ \$100-\$2000 as determined by the Jersey City Municipal Court. Additionally, the City may pursue all legal remedies in the Hudson County Superior Court for any trees that are removed, destroyed or damaged in violation of this Chapter.

§ 321-10. - Forestry standards adopted.

The document entitled Jersey City Forestry Standards 2018 is hereby adopted and all the provisions contained therein are hereby incorporated into the Municipal Code by reference and also are on file in the Office of the City Clerk. All sections of this Chapter shall be interpreted and executed in accordance with the Jersey City Forestry Standards as amended and adopted by the Municipal Council. The Jersey City Forestry standards shall be written and amended in consultation with the Jersey City Shade Tree Committee and shall be subject to approval by a resolution passed by the Municipal Council.