

City Clerk File No. Ord. 19-082

Agenda No. 3.8 1st Reading

Agenda No. 4.7 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 19-082

TITLE: AN ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO CHAPTER 10 (SHADE TREE COMMISSION) AND CHAPTER 321 (TREES) OF THE JERSEY CITY MUNICIPAL CODE.

WHEREAS, Jersey City's trees are an important part of our environment and are meaningful to the residents of the City; and

WHEREAS, Jersey City's tree canopy creates biological corridors and assists in maintaining biodiversity throughout the region; and

WHEREAS, the trees throughout Jersey City increase stormwater retention and decrease stormwater runoff, thereby reducing nonpoint source pollution and maintaining clean water for the enjoyment citizens and visitors alike; and

WHEREAS, the trees throughout Jersey City help connect individuals to nature in an urban environment; and

WHEREAS, the establishment of a shade tree committee will provide community insight into the selection and management of trees throughout the City; and

WHEREAS, the shade tree committee will help maintain and expand the City's tree canopy for the enjoyment of generations to come.

NOW, THEREFORE, BE IT ORDAINED, BY THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY THAT Chapter 3 (Shade Tree Commission) and Chapter 321 (Trees) of the Jersey City Municipal Code be amended to read:

Chapter 10

SHADE TREE [COMMISSION] COMMITTEE

§10-1. - Establishment of an advisory shade tree committee: membership ~~commission; personnel; appointment~~.

The Jersey City shade tree committee is hereby established to further the proliferation and preservation of shade trees in the City of Jersey City and to insure the many benefits trees provide to current and future inhabitants of the City.

The committee shall consist of seven (7) voting members appointed by the Mayor with the advice and consent of Council. Additionally, at least two City staff-members shall serve as non-voting members of the shade tree committee. At least one non-voting member of the committee shall be present at every committee meeting. The membership of the shade tree committee shall consist of the following:

1. Two voting members shall be members of the community.
2. One voting member shall be a member of the Jersey City Environmental Commission.
3. Two voting members shall be tree professionals (botanist, forester, horticulturist, landscape architect, arborist, etc) or shall complete CORE training through Rutgers University and maintain three (3) CEU's every two years.
4. One voting member shall be a member of the Jersey City Parks Coalition.
5. One voting member shall be a Councilperson or his/her designee.
6. One non-voting member shall be the Jersey City Forester. In the event that the position of Forester is vacant, this non-voting member shall be the Director of Parks and Forestry or his/her designee.
7. One non-voting member shall be the Director of City Planning or his/her designee.

[There is hereby established an advisory body which will be known as the Shade Tree Commission of Jersey City. The Commission shall consist of five members appointed by the Mayor with the advice and consent of the Council, who shall be residents of the City of Jersey City and shall serve without compensation.]

§10-2. - [~~First commissioners; subsequent commissioners~~] Committee-member appointments; terms; compensation.

1. The voting committee members shall be divided into three groups as follows:
 - a. Group 1
 - i. Member of the community
 - ii. Councilmember or his/her designee
 - iii. Tree Professional or CORE-certified individual
 - b. Group 2:
 - i. Member of the Jersey City Environmental Commission
 - ii. Member of the community
 - c. Group 3:
 - i. Member of the Jersey City Parks Coalition
 - ii. Tree Professional or CORE-certified individual
2. The first group of voting committee-members [~~commissioners~~] shall be appointed within sixty (60) days after the effective date of the ordinance establishing the committee[~~commission~~], and their terms of office shall commence upon the day of the appointment and be for the respective periods of [~~one,~~] two, three, and four [~~and five~~] years beginning on January 1 of the year following appointment. The term of each appointee shall be designated in the appointment. All subsequent appointments, except to fill vacancies, shall be for the full term of four [~~five~~] years, to take effect on January 1.
3. All voting members of the Shade Tree Committee shall be residents of the City of Jersey City and shall serve without compensation.

§10-3. - Organization of the [~~advisory~~] shade tree committee [~~commission~~].

The committee[~~commission~~] shall organize within thirty (30) days after the appointment of its total membership for the remainder of the calendar year, and thereafter annually by the election of one of its members as chairman and another as vice-chairman. [~~And~~] The committee may annually elect one of its members[~~another~~] as secretary[~~-A~~], or, at the request of the committee[~~commission~~], the Mayor may designate a member of his staff to serve as secretary to the committee[~~commission~~].

§10-4. - Shade tree committee meetings; attorney; documents

The Committee shall meet once per month. The committee shall obtain its legal counsel from the City Attorneys at the rate of compensation determined by City Council unless City Council, by appropriation, provides for separate legal counsel for the committee. Ten (10) days prior to a committee meeting, the relevant City Departments shall provide the committee with all documents to be reviewed for the upcoming meeting.

§10-5[4]. - Functions of shade tree ~~committee~~[~~commission~~] [Director of Public Works to cooperate]

- A. The committee shall assist in the annual review of the Jersey City Forestry Standards. As part of the review, the committee shall develop and maintain a recommended tree species list, which shall be incorporated therein
- B. In conjunction with the Department of Parks and Forestry, the committee shall annually determine the payment in lieu of tree replacement pursuant to Chapter 321-6(B) of this Code.
- C. The committee shall review and assist with the quadrennial update of the Community Forestry Management Plan in accordance with the New Jersey Shade Tree and Community Forestry Assistance Act, N.J.S.A. 13:1L-17.1 et seq.
- D. The committee shall work with the Division of Planning and the Division of Parks and Forestry, as well as any other relevant departments or organizations, in requiring tree planting and tree protection as part of development and redevelopment projects.
 - 1. If a development or redevelopment applicant appearing before a City entity is requesting a deviation from the Forestry Standards as required by this Code, the application shall be submitted to the committee for review. Two (2) weeks before the application is to be heard by a City entity, the committee shall provide the relevant City entity with a report identifying any provisions of the proposed deviation that are contrary to Chapter 321 of this Code and the Forestry Standards adopted therein. If the committee concludes that the application does not deviate from Forestry Standards, it shall submit a report stating same to the relevant City agency as outlined above.
- E. The committee shall issue an annual report to the Jersey City Municipal Council, the Mayor, and the public which will include a summary of tree-related activities within the City of Jersey City including:
 - 1. Tree canopy coverage throughout the City
 - 2. Location of large, significant, and/or historic trees
 - 3. Priority sites or neighborhoods within Jersey City that require the addition of new trees.
- F. If, within the same block or, in the case of a park or other City-owned land, tax parcel, the City or any City entity plans to plant six (6) or more trees or remove and replace four (4) or more trees pursuant to 321-6(c) of this Code, the Division of Parks and Forestry shall present the planting or removal/replacement plan for to the committee at a regularly scheduled meeting and the public will have an opportunity to comment.

The committee shall issue a recommendation to the Department of Parks and Forestry regarding the plan no more than seven (7) days thereafter. If the committee does not submit a recommendation within seven (7) days, it shall be deemed an approval of the Division's plan. If the City is removing four or more trees pursuant to 321-6(c) because it has deemed the trees to be a threat to public safety, no public hearing is required before removal. The City's annual tree planting shall not be subject to the public hearing requirements of this subsection.

G. The Committee shall review informational copies of any work orders and any requests by residents in the previous month for the planting, care, removal, etc. of any shade trees located in any public right-of-way, plaza, or park. The Departments of Public Works and Parks and Forestry shall provide the Committee with same in accordance with section four (4) of this Chapter.

H. The committee shall undertake any other activities, not inconsistent with existing laws, to further tree proliferation and preservation in the City of Jersey City.

~~[A. The Advisory Shade Tree Commission organized under this chapter shall advise the Mayor and Council upon the following matters:~~

- ~~(1) The planting and care of shade and ornamental trees and shrubbery planted in any public street, plaza or park, including the trimming spraying, care and protection of such trees and shrubbery;~~
- ~~(2) The use of the grounds surrounding such trees and shrubs so far as may be necessary for their proper growth, care and protection;~~
- ~~(3) The removal of any tree or shrub dangerous to public safety;~~
- ~~(4) The adoption of any ordinance or legislation necessary for the care and protection of trees, shrubs and park lands within the City;~~
- ~~(5) Consistent with applicable laws, the treatment or removal of any trees or shrubs on private property which may present a risk to trees and shrubbery under the care of the City or to public health in general.~~

~~B. The Director of Public Works shall delegate one of his or her staff to attend each meeting of the shade tree commission and shall provide the commission with informational copies of any work orders and any requests by residents for the planting, care, and removal of any shade trees. The Director shall also seek the advice of the shade tree commission prior to the planting of any shade trees and, except in emergencies, prior to the removal of any shade trees.]~~

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).

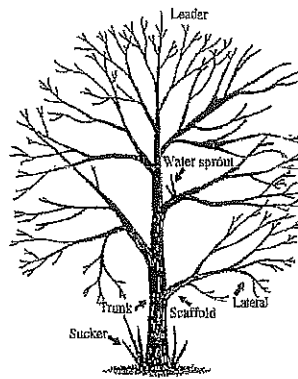


Figure 1

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.

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).

SHADE TREE COMMITTEE means the committee established pursuant to chapter ten (10) of this Code.

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 stump 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.

§321-6. - 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 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 conjunction with the Shade Tree Committee.
- 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.
- 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.

- A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- B. This ordinance shall be a part of the Jersey City Code as though codified and set forth fully herein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
- C. If the provisions of any section, subsection, paragraph, subdivision, or clause of this ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this ordinance.

D. The City Clerk and the Corporation Counsel be and are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible repeaters of existing provisions.

NOTE: All new material to be inserted is underscoring and material to be repealed is in [brackets].

HB/mma
06/19/19

APPROVED AS TO LEGAL FORM

APPROVED: _____

Corporation Counsel

APPROVED: _____
Business Administrator

Certification Required
Not Required

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



ORDINANCE NO. Ord. 19-082
 TITLE: 3.8 JUN 26 2019 4.7

An ordinance of the Municipal Council of the City of Jersey City adopting amendments to Chapter 10 (Shade Tree Commission) and Chapter 321 (Trees) of the Jersey City Municipal Code.

| RECORD OF COUNCIL VOTE ON INTRODUCTION | | | | | | | | | | | |
|--|-----|-----|------|---------------|-----|-----|------|----------------|-----|--------|------|
| JUN 26 2019 8-0 | | | | | | | | | | | |
| COUNCILPERSON | AYE | NAY | N.V. | COUNCILPERSON | AYE | NAY | N.V. | COUNCILPERSON | AYE | NAY | N.V. |
| RIDLEY | ✓ | | | YUN | ✓ | | | RIVERA | | ABSENT | |
| PRINZ-AREY | ✓ | | | SOLOMON | ✓ | | | WATTERMAN | ✓ | | |
| BOGGIANO | ✓ | | | ROBINSON | ✓ | | | LAVARRO, PRES. | ✓ | | |

| RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING | | | | | | | | | | | |
|--|-----|-----|------|---------------|-----|-----|------|----------------|-----|-----|------|
| Councilperson _____ moved, seconded by Councilperson _____ to close P.H. | | | | | | | | | | | |
| COUNCILPERSON | AYE | NAY | N.V. | COUNCILPERSON | AYE | NAY | N.V. | COUNCILPERSON | AYE | NAY | N.V. |
| RIDLEY | | | | YUN | | | | RIVERA | | | |
| PRINZ-AREY | | | | SOLOMON | | | | WATTERMAN | | | |
| BOGGIANO | | | | ROBINSON | | | | LAVARRO, PRES. | | | |

✓ Indicates Vote

N.V.--Not Voting (Abstain)

SPEAKERS:

| RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY | | | | | | | | | | | |
|--|-----|-----|------|---------------|-----|-----|------|----------------|-----|-----|------|
| Councilperson _____ moved to amend* Ordinance, seconded by Councilperson _____ & adopted | | | | | | | | | | | |
| COUNCILPERSON | AYE | NAY | N.V. | COUNCILPERSON | AYE | NAY | N.V. | COUNCILPERSON | AYE | NAY | N.V. |
| RIDLEY | | | | YUN | | | | RIVERA | | | |
| PRINZ-AREY | | | | SOLOMON | | | | WATTERMAN | | | |
| BOGGIANO | | | | ROBINSON | | | | LAVARRO, PRES. | | | |

| RECORD OF FINAL COUNCIL VOTE | | | | | | | | | | | |
|------------------------------|-----|-----|------|---------------|-----|-----|------|----------------|-----|-----|------|
| COUNCILPERSON | AYE | NAY | N.V. | COUNCILPERSON | AYE | NAY | N.V. | COUNCILPERSON | AYE | NAY | N.V. |
| RIDLEY | | | | YUN | | | | RIVERA | | | |
| PRINZ-AREY | | | | SOLOMON | | | | WATTERMAN | | | |
| BOGGIANO | | | | ROBINSON | | | | LAVARRO, PRES. | | | |

✓ Indicates Vote

N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on JUN 26 2019

Adopted on second and final reading after hearing on _____

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

APPROVED:

 Robert Byrne, City Clerk

 Rolando R. Lavarro, Jr., Council President

*Amendment(s):

Date _____

APPROVED:

 Steven M. Fulop, Mayor

Date _____

Date to Mayor _____