

City Clerk File No. Ord. 17-169

Agenda No. 3-J 1st Reading

Agenda No. 4.J. 2nd Reading & Final Passage

## ORDINANCE OF JERSEY CITY, N.J.



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

CITY ORDINANCE 17-169

TITLE: **ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 321 (TREES)  
OF THE JERSEY CITY MUNICIPAL CODE REPEALING SECTIONS 1  
THROUGH 8 IN ITS ENTIRETY AND ADOPTING A NEW VERSION**

### THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY DOES ORDAIN:

**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 runoff and the potential for soil erosion; and

**WHEREAS**, in addition, street 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**, street 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:

A. 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 (Fig. 1).

**CITY TREE** means (a) any living, self-supporting woody perennial plant that has a trunk diameter of at least two (2) inches or more when measured at a point six (6) inches above ground level and which normally attains an overall height of at least ten (10) 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 (Fig. 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 (Fig. 1).

**LEADER** means the vertical stem at the top of the Trunk (Fig. 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 twenty percent (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 (Fig. 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 (Fig. 1).

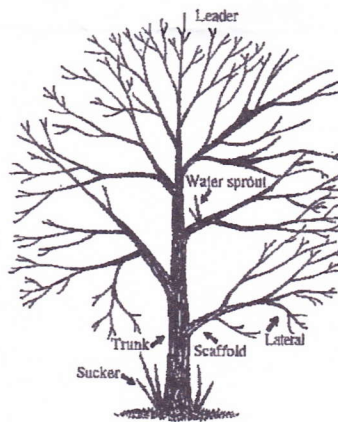


Fig. 1

**§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 (6) 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 twenty percent (20%) 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 fifteen (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 according to the 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 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 Sub-Section 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.

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.

**§321-7. Permit Application Fee**

Application for the permit required under §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 § 1-25 shall apply to violations of this Chapter; provided, however, that the minimum penalty for a violation of this Chapter shall be \$100.

- B. All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.
- C. This Ordinance shall be a part of the Jersey City Code as though codified and fully set forth therein. The City Clerk shall have this Ordinance codified and incorporated in the official copies of the Jersey City Code.
- D. This ordinance shall take effect at the time and in the manner as provided by law.
- E. The City Clerk and Corporation Counsel be and they 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 accidental repealers of existing provisions.

**NOTE:** All material is new. Therefore, underlining has been omitted.

JJH/he  
9/08/17

APPROVED AS TO LEGAL FORM

\_\_\_\_\_  
Corporation Counsel

APPROVED: \_\_\_\_\_

APPROVED: \_\_\_\_\_

Business Administrator

Certification Required   
Not Required