

**TOWNSHIP OF PEQUANNOCK**

**ORDINANCE NO. 2020-01**

**ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF PEQUANNOCK REQUIRING THE REGISTRATION OF CONTRACTORS PROVIDING TREE CARE SERVICES WITHIN THE TOWNSHIP AND REVISING THE SPECIES OF TREES TO BE PLANTED**

**WHEREAS**, the Tree Expert & Tree Care Operator Licensing Act was enacted on January 16, 2010 and on April 17, 2017, the Rules and Regulations were adopted and approved and requires that tree care businesses be registered with the State of New Jersey. This law also allows for the New Jersey Board of Tree Experts to suspend or revoke business registrations, individual licenses or to initiate proceedings for civil penalties. Tree care businesses are now required to have at least one person properly licensed. The law allows the Board to adopt industry standards, requires licensed individuals to obtain continuing education units and creates remedies to address companies or individuals that do substandard work; and

**WHEREAS**, the Township of Pequannock wishes to adopt a procedure to compliment the State law, to educate residents hiring contractors regarding the State requirements, and to ensure that tree care service contractors providing services within the Township have complied with the State registration requirements before doing work within the Township; and

**WHEREAS**, a review of the list of species of trees to be planted by the Shade Tree Commission and Department of Public Works Staff has determined that the species of trees should be updated; and

**WHEREAS**, Chapter 3.38.070 Trees and Improvements in the Public Right of Way should mirror Section 163.04.090 Shade Trees to avoid confusion or misunderstanding;

**BE IT NOW, THEREFORE, ORDAINED** by the Township Council of the Township of Pequannock, in the County of Morris and State of New Jersey, as follows:

**SECTION 1.** The Revised General Ordinance of the Township of Pequannock shall be amended by the inclusion of new Chapter 176, entitled "Tree Care Service Contractor Registration", which shall read in its entirety as follows:

**Chapter 176**

**Tree Care Service Contractor Registration**

**Section 176.01 Registration required.**

It shall be unlawful for any person to sell or offer for sale tree care services of any kind within the Township without first registering with the Township as provided in this Chapter.

**Section 176.02 Definitions.**

**PERSON** - Not only an individual, but also any organization, firm, partnership, corporation, company, association, or other entity or group.

TREE CARE SERVICE means and includes tree pruning, repairing, brush cutting or removal, tree removal, stump grinding or removal, tree establishment, fertilization, cabling and bracing, lightning protection, consulting, diagnosis, and treatment of tree problems or diseases, tree management during site planning and development, tree assessment and risk management, and application of pesticides or any other form of tree maintenance.

### **176.03 Annual Registration**

All contractors offering tree care services within the Township shall register annually with the Township Public Works Department; provide a current documentation that they are licensed by the State of New Jersey as a licensed tree expert ("L.T.E") or as a licensed tree care operator ("L.T.C.O"); provide a current certificate of insurance showing evidence of employer liability and workers' compensation coverage for the work to be performed, and pay a \$5.00 annual fee for registration in addition to an annual fee of \$5.00 per decal, per truck. All trucks operating within the Township must have a decal applied.

Initial Implementation - A grace period of ninety (90) days, from the effective date of this ordinance, is established for contractors to secure the initial annual registration and required decals. Following the conclusion of the grace period, enforcement for non-compliance may commence.

### **Section 176.04 Applicability of other laws.**

Tree service contractor registration is required in addition to any other licenses which may be required for the activity being conducted including a license from the State of New Jersey which is required for

### **Section 176.05 Violations and penalties.**

Any person who violates or who fails or refuses to comply with the provisions of this Chapter shall be subject to a fine of not less than fifty dollars (\$50.00) nor more than one thousand dollars (\$1,000.00) and/or any other penalty that is consistent with Chapter 178 of the municipal code, entitled Violations and Penalties, for each offense.

**SECTION 2.** The Revised General Ordinance of the Township of Pequannock, Section 3.38.070 Trees and Improvements in the Public Right of Way, shall be amended by the inclusion addition of Subsection C, which shall read in its entirety as follows:

#### **Subsection C**

Where requested or required by the Shade Tree Commission, planting of new trees in the Township Right of Way or for Township Projects, shall be installed not closer than 25 feet from any existing or proposed streetlight or street intersection and installed in the front of the lot between the building and the street right-of-way area and in a line with other trees planted on the same side of the same street and shall be installed so as not to interfere with utilities, roadways, school ways or sidewalks. Trees shall be nursery-grown stock not less than 2 1/2 inches in diameter, planted and staked in a manner approved by the Shade Tree Commission. Trees shall be selected from a list maintained by the Director of Public Works, who shall establish the list of trees in consultation with the Shade Tree Commission. Other species may be proposed, in writing, to the Commission for its approval. All trees not surviving after one growing season may be considered for replacement by the Township.

If the affected property owner requests the tree be planted outside of the Township Right of Way on his/her property, all trees not surviving after one (1) growing season may be replaced by the property owner but will not be replaced by the Township.

**SECTION 3.** The Revised General Ordinances of the Township of Pequannock shall be amended by the repeal and replacement of Section 163.04.090 Shade Trees with Section 163.04.091 Shade Trees, which shall read in its entirety as follows:

**Section 163.04.091 Shade Trees**

Where required by the Shade Tree Commission, not fewer than two new shade trees shall be installed on each lot not closer than 25 feet from any existing or proposed streetlight or street intersection and installed in the front of the lot between the building and the street right-of-way area and in a line with other trees planted on the same side of the same street and shall be installed so as not to interfere with utilities, roadways, school ways or sidewalks. Trees shall be nursery-grown stock not less than 2 1/2 inches in diameter, planted and staked in a manner approved by the Shade Tree Commission. Trees shall be selected from a list maintained by the Director of Public Works, who shall establish the list of trees in consultation with the Shade Tree Commission. All trees not surviving after one growing season shall be replaced by the developer. Other species may be proposed, in writing, to the Commission for its approval. The Commission may require the subdivider or developer, at his sole expense, to retain a qualified person to report to the Shade Tree Commission as to what can be done to save existing trees, etc.

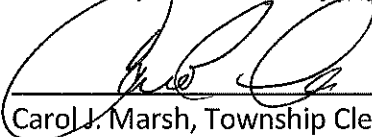
**SECTION 4.** If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

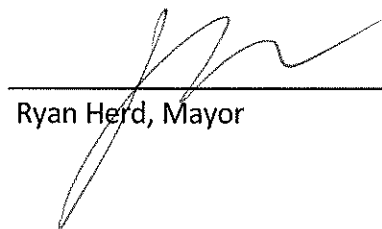
**SECTION 5.** All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

**SECTION 6.** This Ordinance shall take effect after final passage in the manner provided by law..

**Introduced: January 28, 2020**

**Adopted: February 11, 2020**

  
\_\_\_\_\_  
Carol J. Marsh, Township Clerk

  
\_\_\_\_\_  
Ryan Herd, Mayor

