

**ORDINANCE NO. 2022-15**

**ORDINANCE AMENDING SECTION 7, "TREE REMOVAL", OF CHAPTER 62, "SHADE TREE COMMISSION", AND AMENDING SECTION 9, "NUISANCES AND UNSANITARY CONDITIONS", CHAPTER 173, "PROPERTY MAINTENANCE", OF THE CODE OF THE TOWNSHIP OF COLTS NECK, COUNTY OF MONMOUTH, AND STATE OF NEW JERSEY**

**WHEREAS**, the Township Committee believes updates are needed to sections of the township code to clarify the duties of the Shade Tree Commission; and

**WHEREAS**, the Township Committee believes updates are needed to sections of the township code relating to the nuisance ordinance;

**NOW THEREFORE BE IT ORDAINED**, by the Council of Colts Neck Township, County of Monmouth, and State of New Jersey, as follows (additions to text indicated by underline; deletions to text indicated by ~~strikeout~~):

**§ 62-7 Tree removal.**

A. No tree within a Township right-of-way and/or Township greenway or access easement for a greenway or within any Township-owned land may be removed or trimmed by the adjoining property owner without Shade Tree Commission approval. Street trees pursuant to § 102-71A and planted on private property may be removed by the property owner at any time and for any reason once the maintenance guarantee posted by the developer is released and the Township has accepted the tree.

B. No person, except as is otherwise provided in this chapter or pursuant to state law, shall remove, trim or cause harm to any tree on Township property or the Township Greenway or on an access easement for a greenway or within any Township-owned land.

C. Members of the Colts Neck Shade Tree Commission, pursuant to the authority conferred upon it by N.J.S.A. 40:64-1 et seq., by process of routine inspection and observation and through screening complaints as lodged with the Township, and while working in concert with the Township Administrator and Code Enforcement Officer, shall seek to ensure that no substantive violations of § 62-7A and B, as enumerated above, occur on Township-owned land.

D. Powers and duties of the Shade Tree Commission. The Colts Neck Shade Tree Commission shall have the following general powers and duties:

- (1) Responsibility for the regulation, planting, removal and trimming of trees and shrubs upon and in any Township-owned land, as land is defined in § 62-7A;
- (2) Responsibility to consult and advise with the Code Enforcement Officer and Township Administrator in all matters within its purview;
- (3) Prior to undertaking the removal of any tree, the responsibility to consult with the Code Enforcement Officer and Township Administrator for ultimate review and final approval by the Administrator and/or Township Committee. In the event there is a conflict, the ultimate determination is to be made by the Township Committee;
- (4) Authority to review tree surveys, removal plans and planting plans submitted with land development applications referred to it by the Planning Board or Zoning Board. After its review, the commission may prepare a report of its findings and recommendations to be sent to the board of jurisdiction at least 14 days prior that board's scheduled hearing of the development application;
- (5) Authority to prepare criteria, standards, guidelines, and recommendations, including recommendations as to specific appropriations, for the use of funds collected in the Colts Neck Shade Tree Commission Removal Fund;

- (6) Authority to develop a list of sites throughout Colts Neck that require the removal of trees, replacement of trees or the addition of new trees, and regularly update the list to reflect the replacement or removal of trees;
- (7) Authority to develop and maintain a recommended tree species list;
- (8) Authority to develop and maintain an inventory of trees and shrubs upon and in any Township-owned land, as land is defined in § 62-7A;
- ~~(9) Responsibility to develop and recommend tree removal standards for trees located on private property;~~
- ~~(10)~~ (9) Responsibility to monitor and maintain the health of the trees in the Township's Arboretum;
- ~~(11)~~ (10) Responsibility to make, keep, and preserve minutes and records of its meetings and activities, and to make annual reports to the Township Mayor and Committee. Copies of all minutes and records of its meetings and activities shall be filed with the Township Clerk;
- ~~(12)~~ (11) All authority conferred by N.J.S.A. 40:64-1 et seq., to the extent applicable.

~~E. Removal or trimming by Township when interfering with public street, highway or right-of-way use, or when creating a hazardous condition.~~

~~(1) In the event that the limbs or branches of any trees or shrubs grown on any land in the municipality extend over or into any of the public streets, highways or rights-of-way in the municipality and interfere with the free and uninterrupted use of such streets, highways or rights-of-way for any lawful purpose, the enforcement officer shall notify and direct the owner of the premises on which such trees or shrubs may stand, or the agent of such owner, to trim or detach, on or before a time to be fixed in such notice, any limbs, branches or parts of trees or shrubs so extending in the street, highway or right-of-way in the municipality. If the owner of any such trees or shrubs shall fail or neglect to comply with the terms of such notice, the enforcement officer is authorized and empowered to trim or detach, or cause to be trimmed or detached, any limbs, branches or parts of trees or shrubs so extending into the street, highway or right-of-way in the municipality.~~

#### **§ 173-9 Nuisances and unsanitary conditions.**

The exterior of the premises and all structures located on the premises shall be kept free of all nuisances and any hazards to the safety of occupants, pedestrians and other persons utilizing the premises and shall be free of unsanitary conditions. Any of the foregoing shall be promptly removed and abated by the owner, occupant and/or operator. It shall be the duty of the owner, occupant and/or operator to keep the premises free of hazards, which include but are not limited to the following:

A. Brush, weeds, broken glass, stumps, roots, obnoxious growth, filth, garbage, trash, refuse and debris.

B. Dead and dying trees and limbs or other natural growth which, by reason of rotting or deteriorating conditions or storm damage, constitute a hazard and/or a potential hazard to persons in the vicinity thereof. Trees shall be kept pruned and trimmed to prevent such conditions.

C. Removal or trimming by Township when interfering with public street, highway or right-of-way use, or when creating a hazardous condition.

(1) In the event that the limbs or branches of any trees or shrubs grown on any land in the municipality extend over or into any of the public streets, highways or rights-of-way in the municipality and interfere with the free and uninterrupted use of such

streets, highways or rights-of-way for any lawful purpose, the enforcement officer shall notify and direct the owner of the premises on which such trees or shrubs may stand, or the agent of such owner, to trim or detach, on or before a time to be fixed in such notice, any limbs, branches or parts of trees or shrubs so extending in the street, highway or right-of-way in the municipality. If the owner of any such trees or shrubs shall fail or neglect to comply with the terms of such notice, the enforcement officer is authorized and empowered to trim or detach, or cause to be trimmed or detached, any limbs, branches or parts of trees or shrubs so extending into the street, highway or right-of-way in the municipality.

~~C.~~ D. Loose and overhanging objects and accumulations of ice and snow which, by reason of location above ground level, constitute a danger of falling on persons in the vicinity thereof.

~~D.~~ E. Holes, excavations, breaks, projections, obstructions, icy conditions, uncleared snow, excretions of pets and other animals on paths, walks, driveways, parking lots and parking areas and other parts of the premises which are accessible to and used by persons on the premises. All such holes and excavations shall be filled and repaired, walks and steps replaced and other conditions removed where necessary to eliminate hazards or unsanitary conditions with reasonable dispatch upon their discovery. This subsection does not apply to single-family dwellings.

~~E.~~ F. Adequate runoff drains shall be provided and maintained to eliminate any recurrent or excessive accumulations of stormwater.

~~F.~~ G. Sources of infestation.

~~G.~~ H. Foundation walls shall be kept structurally sound, free from defects and damage and capable of bearing imposed loads safely.

~~H.~~ I. Chimneys and all flue and vent attachments thereto shall be maintained, structurally sound, free from defects and so maintained as to capably perform at all times the functions for which they were designed. Chimneys, flues, gas vents or other draft-producing equipment shall provide sufficient draft to develop the rated output of the connected equipment, shall be structurally safe, durable and smoketight and capable of withstanding the action of flue gases.

~~I.~~ J. Exterior porches, landings, balconies, stairs and fire escapes shall be provided with banisters or railings properly designed and maintained to minimize the hazard of falling; and the same shall be kept structurally sound, in good repair and free from defects.

~~J.~~ K. No person shall abandon a vehicle within the township and no person shall leave a vehicle at any premises within the township for such time and under such circumstances as to cause the vehicle to reasonably appear to be abandoned. It shall be presumed that a vehicle is abandoned if it is without a currently valid license plate (if applicable) and is in either a rusted, wrecked, discarded, partially dismantled, dismantled, inoperative or stripped condition. It shall also be deemed a presumption of an abandonment if any vehicle in either a rusted, wrecked, discarded, partially dismantled, dismantled, inoperative or stripped condition with a current valid license plate (if applicable) remains on the business or commercial premises occupied by someone other than the owner of said vehicle for a period of more than 72 hours unless the vehicle is in an enclosed building or the vehicle is located in an appropriate storage place or depository lawfully maintained within the township.

~~K.~~ L. No person shall leave any partially dismantled, nonoperating, wrecked, junked or abandoned vehicle on any township property, street or highway within the township.

~~L.~~ M. No person in charge or control of a residential premises within the township, whether as an owner, tenant, occupant, lessee or otherwise, shall allow partially dismantled, nonoperating, wrecked, junked, discarded or abandoned vehicles to remain on a property longer than 72 hours. No person shall leave any such vehicle on the property within the township for a period of time longer than 72 hours. This subsection shall not apply to a

vehicle in an enclosed building, provided that not more than two currently unregistered and/or uninspected motor vehicles shall be permitted on any property in a residential district.

~~M.~~ N. No rusted, wrecked, discarded, partially dismantled, dismantled, inoperative or stripped vehicle or abandoned vehicle shall be stored upon any surface other than that of concrete or other approved nonabsorbent combustible material. This provision shall not apply to construction vehicles stored at a construction site or farm vehicles stored at a farming site.

~~N.~~ O. Trees and shrubs installed along a public right-of-way in such a manner that their installation and/or improper maintenance poses a threat to pedestrians or operators of motor vehicles utilizing the public right-of-way, as determined by the Director of Public Safety or his or her representative.

~~Θ.~~ P. No commercial trailer, whether attached to a motor vehicle or not, shall be parked, stored or maintained overnight on private property or on a private or public right-of-way in any residential district of the Township of Colts Neck unless the same is accessory to a valid nonconforming use existing in such residential district at the time of the adoption of this chapter. Nothing contained herein shall prevent the parking, maintenance or storage of a trailer in a completely enclosed garage or properly screened area. Further, nothing contained herein shall prevent the general use of horse trailers and/or the general use of farm equipment, whether attached to a motor vehicle or not.

I, Trina Lindsey, Township Clerk of Colts Neck Township, in the County of Monmouth, New Jersey, hereby certify that annexed hereto is a true and complete copy of Ordinance No. 2022-14 which was introduced at a duly convened meeting of the Township Committee on November 9, 2022. A public hearing will be held on December 7, 2022, 7:00 p.m. Town Hall, 3 Veterans Way.

  
J.P. Bartolomeo, Mayor

  
Trina Lindsey, Municipal Clerk

RECORD OF VOTE										
	First Reading					Second Reading				
	November 9, 2022					December 7, 2022				
	M S	Yes	No	NV	Ab	M S	Yes	No	NV	Ab
Mayor Bartolomeo		X					X			
Deputy Mayor Fitzpatrick		X				S	X			
Torchia Buss		X					X			
Rizzuto	S	X					X			
Viola	M	X				M	X			
M - Moved	S - Seconded	X - indicates vote			NV - Not Voting		Ab - Absent			