

TOWNSHIP OF MANALAPAN

ORDINANCE NO. 2019-02

AN ORDINANCE OF THE TOWNSHIP OF MANALAPAN, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 222, "TREES AND SHRUBS," OF THE CODE OF THE TOWNSHIP OF MANALAPAN, SECTION 222-7, "REMOVAL OF TREES AND SHRUBS," PERTAINING TO THE REMOVAL OF TREES WHICH BECOME DANGEROUS TO THE PUBLIC SAFETY

BE IT ORDAINED by the Township Committee of the Township of Manalapan, in the County of Monmouth, State of New Jersey, as follows:

SECTION ONE. Chapter 222, "Trees and Shrubs," of the Code of the Township of Manalapan, Section 222-7, "Removal of Trees and Shrubs," be and the same is hereby amended and supplemented to read, in full, as follows:

(New text is underlined)

"§ 222-7 Removal of trees and shrubs

- A. Removal required; notice. In case any tree or shrub, or any part thereof, along the public highway or sidewalk shall become dangerous to the public safety, the owner of the property in front of such tree or shrub is located shall remove the same, or the required part thereof, forthwith upon service of written directive to that effect from the Township or the County of Monmouth, in the case of a county right-of-way or highway.
- B. The initial notice shall be sent to the property owner by regular mail. If the owner does not comply within ten (10) days, a second notice shall be sent by both certified mail and regular mail or delivered by personal service upon the property owner.
- C. Standards established. The owner or tenant of any lands lying within the Township shall keep all brush, hedges and other plant life, growing within 10 ft of any roadway and within 25 feet of the intersection of two roadways, cut to a height of not more than 2 ½ feet. This shall not require the cutting down of any trees where there is vision through the trees at a height of between 2 ½ feet and eight feet from the ground. Any tree or portion thereof which due to damage or disease is in danger of falling shall be removed.

- D. Removal by Township or County. If the owner fails to remove the tree or shrub or portion thereof within two weeks after service of the second written notice to do so, the work shall be performed by the Township or a contractor on behalf of the Township or County, under the supervision of the Superintendent of Roads or County Road Supervisor, who shall certify the cost thereof to the Township Committee.
- E. Costs charge against land; lien established. Upon receipt of the certified costs, the Township Committee shall examine same and, if found correct, shall cause the costs to be charged against the land or, if the Township Committee deems the costs to be excessive, shall cause the reasonable cost thereof to be charged against the lands. The amount so charged shall forthwith become a lien upon the lands and shall be added to and become and form part of the taxes next to be assessed and levied upon the lands, the same to bear interest at the same rate as other taxes and shall be collected and enforced by the same officer and in the same manner as taxes.
- F. Any person, firm, corporation or entity found to be in violation of any provision of this section shall be subject to a fine not exceeding sum of \$1,250.00 or imprisonment for 90 days, or both, at the discretion of the Municipal Court.

SECTION TWO. All Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistencies.

SECTION THREE. If any section, subsection, paragraph, sentence or other portion of this Ordinance be adjudged by a Court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance.

SECTION FOUR. This Ordinance shall take effect immediately upon its passage and publication as required by law.

NOTICE OF PUBLIC HEARING

The Ordinance published herewith was Introduced and approved at a meeting of the Township Committee of the Township of Manalapan held on March 13, 2019 and will be further considered for final passage after a Public Hearing thereon before the Township Committee of the Township of Manalapan during a meeting to be held on Wednesday, March 27, 2019 at the Municipal Complex, 120 Route 522 and Taylors Mills Road, Manalapan, New Jersey at 7:30 p.m. or as soon thereafter as the matter may be reached, or at any meeting to which that meeting may be adjourned, at which time any and all persons who may be interested therein will be given an opportunity to be heard.

The proposed Ordinance in its entirety is on file in the Municipal Clerk's Office and copies may be obtained without charge between the hours of 8:30 a.m. and 4:30 p.m. Monday through Friday. A complete copy may also be obtained from the Manalapan Township web-site www.mtnj.org by clicking on the Ordinance title listed on the Agenda posted for the Township Committee meeting of March 27, 2019.

REGINA PRETEROTI, RMC
Municipal Clerk