

BOROUGH OF DEMAREST
BERGEN COUNTY, NEW JERSEY
ORDINANCE NO. 1127-23
AMENDING CHAPTER 163 – TREES

Section 1. Amendment. The following sections of Chapter 163-Article 2 are hereby amended to read in their entirety as set forth below:

Section 26 Violations.

a. It is the responsibility of the property owner and any other person who damages or removes a tree in the Borough of Demarest to know and comply with the provisions of this Article. A violation of this Article may result in issuance of a Notice of Violation to either or both parties.

b. Upon conviction of a violation of this Article, the penalty for the violation shall be a fine equal to the sum of: (i) one thousand two hundred fifty dollars (\$1,250.00) for the violation, plus (ii) an additional. In addition, a tree replacement fee equal to six hundred twenty-five dollars (\$625.00) dollars shall be paid for each tree that would have been required for mitigation. ~~Penalties for violations of this Article~~ Tree replacement fees are not subject to a limit. The penalty and tree replacement fee may, upon a written plea of "guilty," be paid and satisfied through the Violations Bureau of the Municipal Court without the requirement of a court appearance.

c. The property owner or any other person to whom a Notice of Violation of this Article is issued may elect to resolve the violation by making a voluntary contribution to the Shade Tree Commission Trust Account in the amount which is equal to 80% of what the penalty for the violation plus the tree replacement fee would be under Section 26(b), such election to be made by submitting the contribution to the Shade Tree Commission secretary within thirty (30) days after the issuance of the notice of violation.

d. Failure to timely resolve the violation shall result in the issuance of a Summons, which will require an appearance and disposition in the Municipal Court.

Section 27 Shade Tree Commission Trust Account. All contributions to the Shade Tree Trust Account, and all fees for tree removal permit applications, all tree replacement fees, all forfeited cash performance bonds, and all funds otherwise payable pursuant to this Chapter 163 of the Demarest Code (excluding fines or penalties and cash performance bonds) shall be deposited to the Shade Tree Commission Trust Account, to be applied for use in the administration of the said articles (for example, without limitation, to engage an arborist to advise the Commission concerning a certain proposed tree removal or mitigation), or for the planting, care, preservation, maintenance, control or removal of trees in the Borough of Demarest. Fines and penalties shall be paid to the Violations Bureau of the Municipal Court and cash performance bonds shall be maintained in a separate escrow account maintained by the Borough.

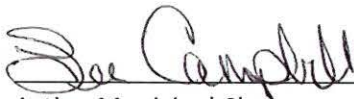
Section 2. Savings; Repealer; Codification. If any part of this ordinance is invalidated by a court of competent jurisdiction, the remainder of this ordinance shall be saved to the full extent possible. This

ordinance repeals provisions of the Demarest Code only where stated herein; otherwise, this ordinance is amendatory and supplementary to existing provisions of the Demarest Code. This ordinance shall be codified as an amendment to Chapter 163 of the Demarest Code.

Section 3. Effective Date. This ordinance shall take effect immediately upon approval and publication of notice of adoption as provided by law.

Attest:

Approved:



Acting Municipal Clerk



Brian Bernstein, Mayor

Introduced: : 10/23/23

Adopted: 11/27/23