

**HARDING TOWNSHIP
ORDINANCE NO. 07-16**

**AN ORDINANCE OF THE TOWNSHIP OF HARDING AMENDING AND REVISING
CHAPTER 346, ARTICLE II OF THE TOWNSHIP CODE ENTITLED “BRUSHES AND
HEDGES NEAR ROADS AND INTERSECTIONS”**

WHEREAS, the Township’s Tree Conservation Officer, in conjunction with the Shade Tree Advisory Committee, requested that certain amendments be made to the Township’s Code to address certain situations that have arisen within the Township regarding the maintenance and, where required, removal of trees and other plant material, adjacent to all roadways within the Township of Harding;

WHEREAS, the Township Committee of the Township of Harding finds that it is necessary and in the public interests to make these amendments to Chapter 346, Article II of the Code of the Township of Harding based upon these recommendations.

NOW THEREFORE BE IT ORDAINED by the Township Committee of the Township of Harding, in the County of Morris, State of New Jersey, that the following sections of Chapter 346, Article II of the Township Code be and is hereby amended as follows, including the insertion of a new §346-13.5 [added portions are **bolded** and underlined; deleted portions have strikethrough]:

SECTION 1. Chapter 346: Streets and Driveways; Article II: Bush and Hedges Near Roads and Intersections

§ 346-11 Trimming Responsibility of abutting property owner.

The owner or occupier of lands lying within the Township abutting a **any** public roadway ~~of the Township~~ shall keep all trees, brush, hedges and other plant life growing within 10 feet of any roadway AND within 25 feet of the intersection of two roadways cut to a height of not more than 2 1/2 feet where it shall be necessary and expedient for preservation of the public safety.

§ 346-12 Notice of violation; removal by Township.

If, within 10 days after notice to cut and remove such trees, brush, hedges and other plant life as required in § 346-11 is given by or under the direction of the **Tree Conservation Officer or Chief of Police** ~~Township Committee~~, the owner or occupier fails, refuses or neglects to cut or remove the same, the Township Committee shall forthwith cause the same to be cut and removed. **The notice shall contain a description of the property affected, sufficiently definite in terms to identify it, and shall set forth that, unless such trees, shrubs, hedges and other plant life are cut, the township shall cut or cause the trees, shrubs, hedges or other plant life to be cut pursuant to N.J.S.A. 40:48-2.26.**

§ 346-13 Cost of removal to be lien.

In all cases where the trees, brush, hedges and other plant life are cut and removed from said roadway by or under the direction of **an officer of the township as set forth in §346-12 above,** ~~the Township Committee~~, the reasonable cost of such removal, as determined by the Township **Administrator** shall be charged against such land. The amount so charged shall become a lien upon such land, and shall be added to the taxes next to be assessed and levied upon such land. ~~¶~~**The** same to bear interest at the same rate as taxes and to be collected and enforced by the Tax Collector and in the same manner as taxes.

SECTION 3. At least three copies of said full Ordinance are on file in the Office of the Municipal Clerk for public examination and acquisition. Copies are available for inspection or acquisition during regular weekday working hours and arrangements have been made for the publication of said proposed

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Ordinance in pamphlet or other similar form which will be available for purchase from the Township Clerk.

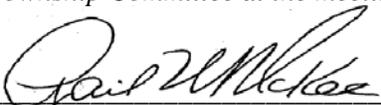
SECTION 4. This ordinance shall take effect upon final passage and publication according to law.

SECTION 5. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 6. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions.

Dated: December 12, 2016

I, Gail W. McKane, Township Clerk of the Township of Harding, County of Morris, State of New Jersey, do hereby certify the foregoing ordinance to be a true and correct copy of the ordinance adopted by the Township Committee at the meeting held on December 12, 2016.



Gail W. McKane, Township Clerk