

BOROUGH OF DUNELLEN

ORDINANCE 08-03

AN ORDINANCE REVISING THE IMPOSITION OF FINES AND/ OR PENALTIES FOR A VIOLATION OF THE PROVISIONS OF THE TREE ORDINANCE, SECTION 275 OF THE CODE OF THE BOROUGH OF DUNELLEN.

BE IT ORDAINED by the Mayor and Council of the Borough of Dunellen, in the County of Middlesex and the State of New Jersey, as follows:

1. Any person who shall violate any of the provisions of this article (Section 275 of the Code of the Borough of Dunellen) shall, upon conviction thereof, be fined pursuant to the following fine schedule:

For the removal or damage of any tree 4" or greater, but less than 12", the fine shall be \$420.00 per tree;

For the removal or damage of any tree 12" or greater, but less than 18", the fine shall be \$840.00 per tree;

For the removal or damage of any tree 18" on greater, but less than 24", the fine shall be \$1,260.00 per tree;

For the removal or damage of any tree 24" or greater, but less than 30", The fine shall be \$1,680.00 per tree;

For the removal or damage of any tree 30" or greater, the fine shall be \$2,100.00 per tree.

2. For purposes of tree measurement to be utilized under this article, tree caliper shall be measured at chest height. In the event the tree is removed prior to measurement, tree caliper shall be measured at the stump. In the event the tree stump is removed prior to measurement, tree caliper shall be in accordance with the tree inventory, as then maintained by the Borough or the Shade Tree Commission. In the event no tree inventory exists for the removed tree, then in that event the fine shall be fixed at \$840.00 per tree removed.

3. Where consistent with the context in which used in this ordinance, words importing the singular shall include the plural; words importing the plural shall include the singular; and, words importing one gender shall include all genders.

4. Should any provisions of this ordinance be inconsistent with the provisions of any prior ordinances, the inconsistent provisions of such prior ordinances are hereby repealed, but only to the extent of the inconsistencies.

5. In the event that any provision of this ordinance, or the application thereof to any person or circumstance is declared invalid by a court of competent jurisdiction, such declaration of invalidity shall not affect any other provision or application of this ordinance which may be given effect, and, to realize this intent, the provisions and applications of this ordinance are declared to be severable.

6. This ordinance shall be effective immediately upon final adoption, approval and publication in accordance with law.