

ORDINANCE NO. 18-2020

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY ESTABLISHING A NEW CHAPTER 258 OF THE CODE OF THE TOWNSHIP ENTITLED REGULATIONS GOVERNING THE PERFORMANCE OF TREE WORK BY COMMERCIAL TREE SERVICES

WHEREAS, in the interest of the safety and welfare of the public, the Township Committee finds and determines that it is necessary to promulgate regulations governing the performance of tree work by commercial tree services who operate their vehicles and equipment on Township and County roads and rights-of-way.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Hanover in the County of Morris and State of New Jersey as follows:

SECTION 1. There is hereby established a new Chapter 258 under the Code of the Township of Hanover to be entitled: Regulations Governing the Performance of Tree Work By Commercial Tree Services.

SECTION 2. §258-1. For purposes of this Chapter, the following term shall be defined as follows:

Commercial Tree Service or Company: A company performing tree trimming, removal or related tree services on public or private property within the Township of Hanover.

Licenses: License Tree Expert and/or License Tree Care Operator issued by the New Jersey State Forestry Service in the Department of Environmental Protection.

SECTION 3. §258-2. Any commercial tree service licensed by the State of New Jersey and engaged in cutting, trimming or removing in whole or in part any tree branches, limbs or fully grown trees, including wood chipping, on private or public property shall comply with the following regulations:

- A. To warn the operators of vehicles and pedestrians of the presence of a tree service truck or related equipment such as a tree chipper parked along any Township street or public right-of-way, or along any Morris County road or public right-of-way, the tree service shall be equipped with and display safety markers consisting of orange reflective, diamond-shaped panels having a minimum size of 18" (inches) by 18" (inches). These reflective panels shall be placed on all four sides of a vehicle or equipment; that is, at the front and rear of each vehicle so that they are visible to on-coming traffic. In the alternative, a tree service may utilize four reflective orange cones along each side of the vehicles and equipment.

- B. In the event a tree service deems it essential and necessary to close a lane of traffic on any multi-lane Township street or multi-lane County road, or the Police Department deems it necessary to close a lane of traffic, the tree service shall obtain prior approval of the the Hanover Township Police Department. The Police Department must receive at least 48 hours -notice before the commencement of the work including the length of time of the lane closure. The decision to permit the lane closure shall rest with the Chief of Police or his/her designee. The tree service shall comply with the same safety measures described in 258-2. above.
- C. It shall be within the discretion of the Chief of Police or his/her designee to determine if a commercial tree company will be required to employ the services of an off-duty police officer and vehicle to perform safety and traffic control.
- D. A commercial tree service shall not perform any tree work on Sundays unless it is due to an emergent or unforeseeable condition that affects the public safety and welfare of the Township such as a severe storm or other natural or man-made disaster. In such cases, it shall be the responsibility of the tree company to notify the Police Department immediately as to the location of the work and time frame for completion.
- E. This provision does not affect the performance of any tree work by a public utility or its commercial sub-contractor(s) retained to assist in the restoration of electric, cable or internet services.

SECTION 4. §258-3.

- A. In order to perform tree services in the Township, a commercial tree service must show evidence that the company possesses a current and valid Licensed Tree Expert and /or Licensed Tree Care Operator certificate(s). A copy of the license certificate must be visibly displayed on the driver side window of the vehicle.
- B. The Engineering Department is authorized and directed to amend the Tree Permit Application Form to include the New Jersey State license number(s) of the commercial tree service/company that is employed by a resident or business to perform tree services.

SECTION 5. §258-4. Enforcement.

This Chapter shall be enforced by both the Engineering and Police Departments.

SECTION 6. §258-5. Violations and Penalties. Any person, corporation or entity that violates or fails to comply with any provisions of this Chapter, shall upon

conviction in Municipal Court, be subject to a fine of not more than \$1,000.00, community service and/or to imprisonment in the County Jail for a term not exceeding 90 days. Each and every day a violation occurs shall be deemed a separate and distinct violation.

SECTION 7. In case, for any reason, any section or provision of this Ordinance shall be held to be unconstitutional or invalid, the same shall not affect any other section or provision of this Ordinance, except so far as the section or provision so declared unconstitutional or invalid shall be severed from the remainder or any portion thereof.

SECTION 8. All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are, to the extent of such inconsistency, hereby repealed.

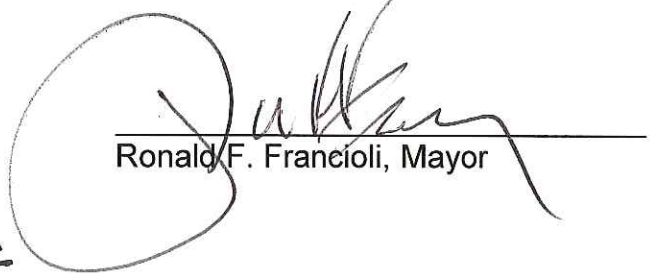
SECTION 9. This Ordinance shall take effect in accordance with law.

ATTEST:

TOWNSHIP COMMITTEE
TOWNSHIP OF HANOVER
COUNTY OF MORRIS
STATE OF NEW JERSEY



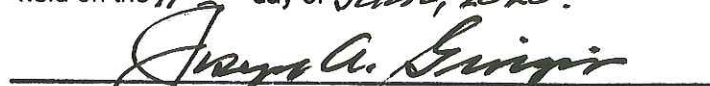
Joseph A. Giorgio, Township Clerk



Ronald F. Francioli, Mayor

DATE OF INTRODUCTION: May 14, 2020
DATE OF ADOPTION: June 11, 2020

I hereby certify the foregoing to be a true copy of a Resolution/Ordinance adopted by the Township Committee of the Township of Hanover at a Regular/Special Meeting held on the 11th day of June, 2020.



Joseph A. Giorgio, Township Clerk, R.M.C.