

**2016-32 AN ORDINANCE BY
PRINCETON CONCERNING
TREES AND SHRUBS AND
AMENDING THE “CODE OF THE
TOWNSHIP OF PRINCETON, NEW
JERSEY, 1968.”**

BE IT ORDAINED by the Princeton Council as follows:

Section 1. Section 22-6 of Chapter 22 of the “Code of the Township of Princeton, New Jersey, 1968,” entitled “Trees and Shrubs,” is hereby amended as follows:

Sec. 22-6. Approval required for certain actions concerning trees and shrubs located on public streets, highways and right-of-ways, and property under municipality’s jurisdiction

- (a) No person shall do, or cause to be done, any of the following acts upon public streets, highways, right-of-ways or parks or other lands under the municipality’s jurisdiction, or cause or permit the same to be done by any third party contractor or subcontractor, without obtaining the written approval of the enforcement officer, in accordance with subsection (b) below:
 - (1) Cut, trim, break, climb with spikes, disturb the roots of or otherwise injure, remove or destroy any tree or shrub or injure, misuse or remove any structure or device placed to support or protect such tree or shrub.
 - (2) Plant any tree or shrub.
 - (3) Fasten or affix any rope, wire, electric attachment, sign or other device to a tree or shrub.
 - (4) Place or maintain, or cause to be placed or maintained, in or upon the ground, any stone, cement, sidewalk, mortar, building material, impervious material or other substance that shall impede or prevent the free access of water, air or fertilizer to the roots of any tree or shrub or within the drip line of a tree or shrub.
 - (5) Place or cause to be placed any chemical or substance harmful to tree life, including but not limited to gasoline or oil, on any tree or shrub or within the drip line of any tree or shrub.
 - (6) Hitch or fasten an animal to any tree or shrub, or to any guard or support provided for the same, or permit any animal to bite or otherwise injure any tree or shrub.
 - (7) Hitch or fasten a bicycle or other personal property to any tree or shrub, or to any guard or support provided for the same.

- (b) A person may request in writing the approval of the enforcement officer to undertake an activity otherwise prohibited in section 22-6(a) above. Within fifteen days of said written request, the enforcement officer shall, in his or her discretion,

approve or deny the request. The failure of the enforcement officer to approve or deny the request within fifteen days shall constitute an approval of the request.

- (c) Excepted from the requirements of this section are the following:
 - (1) The treatment of trees and shrubs by the appropriate public agency with the consent of the enforcement officer; and
 - (2) The management, including integrated pest management, of Ash (*Fraxinus* spp.) trees to protect against damage and/or loss of the trees due to infestation by the Emerald Ash Borer (*Agrilus planipennis*), with the consent of the enforcement officer.

Section 2. All ordinances and resolutions or parts thereof inconsistent with this Ordinance are repealed.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any 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 portion thereof.

Section 4. This Ordinance shall take effect upon its final adoption and publication as provided for by law. The provisions of this Ordinance shall be applicable within Princeton upon taking effect and shall become a part of the new Princeton Code once completed and adopted.

The purpose of this ordinance is to enable private homeowners to take action to treat or otherwise manage ash trees on their property but in the public right of way which are being impacted by the emerald ash borer.

I, Kathleen K. Brzezynski, Deputy Clerk of Princeton, County of Mercer, State of New Jersey, do hereby certify that the foregoing is a true copy of an ordinance adopted by the Mayor and Council of Princeton at its meeting held June 27, 2016.



Kathleen K. Brzezynski, Deputy Clerk