

Chapter 185

TREES

§ 185-1.	Definitions.	§ 185-4.	Contact with brine, gas or injurious chemical prohibited.
§ 185-2.	Acts prohibited without permission; exceptions.	§ 185-5.	Violations and penalties.
§ 185-3.	Trimming of trees near electric wires required.		

[HISTORY: Adopted by the Mayor and Council of the Borough of Kenilworth 11-9-1976 by Ord. No. 76-27 . Amendments noted where applicable.]

§ 185-1. Definitions.

For the purpose of this chapter, the following terms shall have the meanings indicated:

PUBLIC HIGHWAY — Includes the entire width between the boundary lines of every publicly maintained roadway when any part thereof is open to the use of the public for the purposes of vehicular traffic.

§ 185-2. Acts prohibited without permission; exceptions. [Amended 9-12-2018 by Ord. No. 2018-14 ; 9-6-2023 by Ord. No. 2023-15]

- A. No person, firm or corporation shall do or cause to be done any of the following acts upon a public highway or within the public right-of-way within the Borough of Kenilworth without the written permission of the Department of Public Works Committee Chairperson of the Borough of Kenilworth:
- (1) Cut, trim, remove, break, climb with spikes, disturb the roots of or otherwise injure or spray with any chemical or remove any structure or device to support such tree.
 - (2) Plant or replace any tree with a tree species that is not listed on the Borough of Kenilworth's list of approved tree species. The planted tree shall meet the minimum size requirement as designated by the Borough of Kenilworth and may not be seeds or saplings.
 - (3) Fasten any rope, wire, electric attachment, sign or other device to a tree or to any guard about such tree.
 - (4) Close or obstruct any open space provided about the base of a tree to permit the access of air, water or fertilizer to the roots of such tree.
- B. The aforesaid requirement for written permission shall not apply to public utility companies which routinely must trim or remove trees in order to provide safe, adequate and reliable electric or telephone service to members of the public. Except in emergency conditions, such public utility company shall notify the Department of Public Works Committee of the Borough of Kenilworth of tree trimming or removal before such work is performed.
- C. The aforesaid written permission shall be granted after approval of a completed application form provided by the Borough of Kenilworth, available via paper application and/or online submission.

The application shall include the species of tree(s) to be planted, size(s) and location(s) of the tree(s) and the time frame for the planting of the tree(s).

- (1) Once the applicant receives permission, they must submit a bond in the amount of \$1,000 per tree, which will be returned to the applicant once the work for tree removal and/or tree planting is completed. The Department of Public Works will inspect and sign off on the bond after that all work has been completed before the bond is returned to the applicant.
 - (2) Placement of the tree(s) to be planted is at the discretion of the Superintendent of Public Works or his/her designee.
 - (3) Where stump grinding is required, the grinding and new planting shall be completed within six weeks of the date of written approval.
 - (4) In the event that an applicant is in need of an extension to replant any or all tree(s) they received written permission to plant due to an extenuating circumstance, the applicant will need to submit a written request for an extension, which shall be granted and signed off by the Department of Public Works Committee Chair.
- D. The Borough of Kenilworth Clerk's Office shall maintain and make available with the application the most current list of approved tree species.
- E. No tree standing over 10 feet tall shall be cut down or removed by anyone other than a professional licensed by the State of New Jersey and the Board of Tree Experts.
- (1) The licensed professional must sign an indemnity statement.
 - (2) The licensed professional must provide the Borough with a certificate of insurance naming the Borough of Kenilworth as an additional insured with the following minimum insurance:
 - (a) General liability limits of \$1,000,000 per occurrence, combined single limit for bodily injury and property damage with at least \$2,000,000 general aggregate. Contractual liability must be included.
 - (b) Automobile limits of \$1,000,000 per occurrence, combined single limit for bodily injury and property damage with no aggregate.
 - (c) Statutory workers compensation limits including employers liability limits of \$500,000.
 - (d) Umbrella liability limits of \$1,000,000 to \$2,000,000 are also preferred.

§ 185-3. Trimming of trees near electric wires required.

Every person, firm or corporation having control of any wire for the transmission of electric current along a public highway shall properly trim all trees through which or near which such wire passes in order to prevent any injury from the wire or the electric current carried by it.

§ 185-4. Contact with brine, gas or injurious chemical prohibited. [Amended 9-6-2023 by Ord. No. 2023-15]

No person, firm or corporation shall permit any brine, gas or injurious chemical to come in contact with the stem or roots of any tree upon any public highway.

§ 185-5. Violations and penalties. [Amended 9-11-1979 by Ord. No. 79-19 ; 9-12-2018 by Ord. No. 2018-14]

Any person, firm or corporation who or which violates any provision of this chapter shall, upon conviction, be subject to the general penalty set forth in Chapter 1, Article I, General Penalty, of the Borough of Kenilworth Code.