

## Chapter 57A. Shade Tree Committee

[HISTORY: Adopted by the City Council of the City of Atlantic City 4-25-2007 by Ord. No. 25-2007. Amendments noted where applicable.]

### § 57A-1. Creation; terms; vacancies.

[Amended 3-23-2011 by Ord. No. 22-2011]

- A. There is hereby created the Atlantic City Shade Tree Committee.
- B. The Shade Tree Committee shall be comprised of nine residents, two of which shall be alternate members. All members shall be appointed by the Mayor for a term of four years, beginning in April 2007, and until their successors are appointed and qualified.
- C. Terms.
  - (1) The first Committee members shall be appointed within 60 days after the chapter providing for the Committee shall become effective, and their terms of office shall commence upon the day of their appointment and be for the respective periods of one, two, three and four years. The Committee is to consist of seven members; one shall be appointed for one year, two shall be appointed for two years, two shall be appointed for three years and two for four years. The alternate members shall be appointed for four years. In the event that the membership of the Committee is increased, the new members shall be appointed in such a manner that the terms shall expire in accordance with the foregoing. The terms of each appointee shall be designated in his appointment. All subsequent appointments, except to fill vacancies, shall be for the full terms of four years, to take effect on January 1.
  - (2) Thereafter, a member may be removed from service on the Committee by a two-thirds vote of the full membership of the Committee for failure to attend three or more consecutive meetings of the Committee. Excused absences must be unanimously agreed upon and approved by the Chairman and Vice Chairman of the Committee. Upon such removal, the Mayor's office shall be notified by the Chairman, and a request shall be sent for the appointment of a new member to fill the vacancy created thereby, and it shall be made expeditiously. A vacancy occurring other than by expiration of a term shall be filled for the unexpired term only by appointment of the Mayor.
- D. Appointment and vacancies. The appointment of the Committee members will be completed by the Mayor. Representation shall reflect all six wards, except when a vacancy occurs on the Committee and said vacancy creates a need for an appointee who qualifies pursuant to one of the categories set forth in § 57A-2A. All vacancies shall be addressed within a sixty-day period by the office of the Mayor, and notice of such will be provided by the Committee. All recommendations of new members from City Council to the Committee will be reviewed and considered by the office of the Mayor. Immediate written notice of such vacancy shall be provided by the Planning Division to all members of the Committee, the Mayor, City Council and the public, which notice shall also state the category and ward representation, if any, of the vacating member.

### § 57A-2. Membership; officers.

- A. The membership of the Shade Tree Committee shall include, to the extent possible, at least one of the following:
- (1) An arborist/tree surgeon;
  - (2) A landscaper/groundsman;
  - (3) An educator or person who works in the local school district;
  - (4) A person with a general knowledge of the law as it relates to trees.
- B. The members of the Committee shall elect a Chairman and a Vice Chairman and other officers which it deems appropriate. An officer shall be permitted to serve more than one term, if so elected.

### § 57A-3. Conduct of meetings.

The Shade Tree Committee shall utilize parliamentary procedures and establish bylaws for the orderly conduct of its meetings.

### § 57A-4. Compensation; conflicts of interest.

The members of the Shade Tree Committee shall serve without pay for the faithful performance of their duties. No one shall, by virtue of his or her service on the Atlantic City Shade Tree Committee, be precluded from earning professional fees in the practice of his/her profession in Atlantic City. A member shall abstain from voting on matters which hold the potential of a conflict of interest for such member. Each member shall disclose any pecuniary interest the member or any of their family members may have in any applicant's project.

### § 57A-5. Funds.

The City shall appropriate funding through the Division of Planning as it deems necessary for the proper administration and functioning of the Atlantic City Shade Tree Committee.

### § 57A-6. Duties.

The Shade Tree Committee shall have the following duties:

- A. To make recommendations on public projects requiring government/administration approval, as provided in this chapter, regarding trees and other landscape elements, including parks, public buildings, landscape and streetscapes.
- B. To make recommendations regarding any tree in the City, whether on public or private property.
- C. To improve planting techniques and provide safe, hazard-free locations toward eliminating possible liabilities for the City and its residents.
- D. Coordinate with the Planning Division and Public Works Department to examine all trees located in the City and make recommendations to the administration regarding the condition of City trees; all funding shall be compiled in the annual report.
- E. To serve as an advisor to the Planning and Zoning Boards for the purpose of making recommendations regarding the landscaping of the proposed projects.
- F. Provide appropriate information that may decrease landscaping cost to the City.

- G. As a requirement of the New Jersey Community Forestry Management Plan of the City, the practices of the Community Stewardship Incentive Program will be the guidelines of the Committee and several required activities; such as an annual Arbor Day event, but will not be limited to the development of additional activities.
- H. To annually report to the Mayor, City Council, Planning and Zoning Boards, and the Planning Division regarding the projects reviewed and other activities of the Committee during the year; said report to be on a calendar-year basis and to be filed on or before January 15 of the following year. This report will also be forwarded to the State Forester and the New Jersey Tree Foundation Coordinator.

## § 57A-7. Mission.

It is the mission of the Shade Tree Committee to:

- A. Promote, develop and advocate for a sustainable, safe, mature urban forest that enhances the City of Atlantic City and is supported by its residents and governing bodies.
- B. Implement proactive plans for the Atlantic City Shade Tree Management Program that includes community awareness and education.
- C. Increase the community's understanding of the urban forest and increase the public's appreciation of trees on public and private lands that benefit the entire community.
- D. Provide support and recommendations for tree assessments, tree maintenance, tree removal and tree planting.

## § 57A-8. Open meetings.

All meetings of the Shade Tree Committee shall be held in compliance with the New Jersey Open Public Meetings Act (N.J.S.A. 10:4-6 et seq.).

## § 57A-9. Management; regulation; removal.

[Added 4-11-2012 by Ord. No. 32-2012]

- A. All trees on public land or within the public rights-of-way in the City of Atlantic City shall be managed and regulated by the Atlantic City Shade Tree Committee. All planting, removal or replacement of such public trees (hereinafter called "trees") shall be reviewed by the Shade Tree Committee (STC). This includes all trees within the Casino Reinvestment Development Authority (CRDA) Tourism District.
- B. No tree shall be removed, replaced or substantially pruned until after a written request for such action is presented to the Shade Tree Committee at a public meeting. A recommendation for the appropriate action shall then be issued by the STC to the City administration for consideration. Subsequently, a formal determination shall be made by the Department of Planning and Development. Substantial pruning shall be considered pruning greater than 51% of the tree canopy.
- C. Prior to any removal, replacement or substantial pruning of a tree, written application for such shall be submitted by the requesting party to the Shade Tree Committee for review. Each tree shall then be assessed by City staff, photographed and subsequently discussed at a public Shade Tree Committee meeting. The STC shall provide its formal recommendations by the next Shade Tree Committee meeting.
- D. The cost associated with the removal of a hazardous tree(s) (as determined by the STC) within a public right-of-way shall be shared between the property owner and the City of Atlantic City. A

hazardous tree is one that by itself or as a result of its growth has damaged other improvements as to create a hazard or safety issue. The costs to be incurred by the City shall be:

- (1) Full tree removal.
- (2) Grinding of the stump to grade.
- (3) All debris associated with tree removal.

Note: Any damage to concrete sidewalk or other improvements shall be the property owner's responsibility.

- E. Commercial properties and businesses located in the CRDA/Tourism District shall adhere to the same requirements.
- F. If a property owner's request for removal of a tree(s) ultimately results in a preliminary determination by the Shade Tree Committee to be a nonhazardous tree, then prior to STC's final decision on the request the tree's value to the City's urban forest will be assessed. A nonhazardous tree shall be a tree that does not affect the general safety or welfare of pedestrians or property owners. The request for removal of a nonhazardous tree may be granted, provided that the property owner agrees to bear the cost of tree removal and for the planting of trees in an alternate location(s) based on the nonhazardous trees comparable value.
- G. The cost of managing or removing storm-damaged public trees shall be the responsibility of the City of Atlantic City. A storm-damaged public tree is one that is either in the right-of-way, on public property or falls on or over public property.
- H. Violations and penalties. In addition to the civil remedies provided herein, any person violating the provisions of this chapter shall, upon conviction in the Municipal Court of the City of Atlantic City, be punished for each offense by a fine not exceeding \$2,000 or by imprisonment for a term not exceeding 90 days in the county jail or in any place provided by the City of Atlantic City for the detention of prisoners, or both. Each separate provision of this chapter violated and each day on which any such violation continues shall be considered a separate offense. The Municipal Judge before whom any such person may be convicted of violating any provision of this chapter shall have power to impose any fine or term of imprisonment not exceeding the maximum fixed in this chapter.

Note: The City of Atlantic City and the Casino Redevelopment District Authority shall endeavor to share the costs of tree maintenance within their respective annual budgets.