

**TOWNSHIP OF WYCKOFF
BOARD OF HEALTH
WYCKOFF, NEW JERSEY**

ORDINANCE NO. 89

NOTICE

NOTICE IS HEREBY GIVEN, that the proposed Ordinance was introduced and passed on first reading at a meeting of the Wyckoff Board of Health, of the Township of Wyckoff, Bergen County, New Jersey, held on March 9, 2017, and that said Ordinance will be taken up for further consideration for final passage at a regular meeting of the said Wyckoff Board of Health to be held in the Second Floor West Wing Conference Room, Memorial Town Hall, 340 Franklin Avenue, Wyckoff, New Jersey, on the 13th of April, 2017, at 8:30 P.M., or as soon thereafter as the matter can be reached, at which time and place all persons who may be interested therein will be given an opportunity to be heard concerning the same.

TAKE FURTHER NOTICE, that the Board of Health Secretary has posted a copy of said Ordinance on the Bulletin Board in Memorial Town Hall and will make copies of the Ordinance available to members of the general public who request the same.

Carol Hertenstein
Board of Health Chairman

The ORDINANCE referred to is as follows:

ORDINANCE # 89

AN ORDINANCE TO AMEND CHAPTER 214 OF THE CODE OF THE TOWNSHIP OF WYCKOFF, "SUBSURFACE SEWAGE DISPOSAL SYSTEMS, INDIVIDUAL," TO ESTABLISH A NEW SECTION, 214-12", "PROTECTION OF TREES" AND TO AMEND SECTION 214-9 "VIOLATIONS AND PENALTIES"

For the March 17, 2017 issue of the Ridgewood News

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BOARD OF HEALTH**

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AN ORDINANCE TO AMEND CHAPTER 214 OF THE CODE OF THE TOWNSHIP OF WYCKOFF, "SUBSURFACE SEWAGE DISPOSAL SYSTEMS, INDIVIDUAL," TO ESTABLISH A NEW SECTION, 214-12", "PROTECTION OF TREES" AND TO AMEND SECTION 214-9 "VIOLATIONS AND PENALTIES"

BE IT ORDAINED, by the Board of Health of the Township of Wyckoff, County of Bergen, State of New Jersey that a new section 214-12, "Protection of Trees" is hereby established.

SECTION 1

Chapter 214-12, Protection of Trees.

- A. All applications for septic permits pursuant to this chapter, shall contain a landscaping plan which shall depict all existing and proposed Trees and vegetation, as well as the location and size of proposed seepage pits and/or dry wells for the property and project. For purposes of this section, a Tree shall be defined as a deciduous or evergreen plant having a diameter of 6 inches or greater as measured 4.5 feet above the natural grade.
- B. Landscaping Plans Shall Include:
 - a. All existing Trees which measure 6-inch diameter or greater as measured at 4.5 feet above natural grade.
 - b. All Trees proposed to be removed from the site.
 - c. All Trees to be preserved on the site with Tree preservation and protection details clearly shown on the plan protecting such Trees.
 - d. All Trees located in the public right of way with details confirming such Trees will be protected and only removed with Township prior written approval.
 - e. Soil erosion control measures including silt fence and limit of disturbance fencing.
- C. Prior to obtaining a septic permit, the Township Engineer and/or Construction Official, hereinafter referred to as Township Official, shall perform a site inspection to review the above-listed. If in the discretion of the Township Official the removal of certain Trees from the site is unnecessary or unwarranted, such Trees shall be preserved and protected and a revised landscape plan shall be submitted reflecting such change.
- D. If the applicant disagrees with the Township Official's determination, a letter of appeal may be sent to the Wyckoff Shade Tree Commission for further review and the Shade Tree Commission shall make a final determination with regards to the treatment of such Trees. Work may be suspended by the Township Official until said matter is resolved.

- E. No Trees designated to be preserved pursuant to the approved landscape plan and issued permit and/or determination of the Shade Tree Commission shall be removed or damaged.
- F. Failure of the owner and/or agent to comply with the terms and conditions of the issued permit and approved landscape plan, including but not limited to excavating and/or stockpiling soil within a Tree protection zone, shall constitute a violation.
- G. Prior to release of any permits, all soil erosion control measures, Tree protection fencing and limit of disturbance fencing shall be installed to the satisfaction of the Township Official and shall be maintained throughout the construction process.
- H. Penalties for violations of site plan and/or landscape plan:
 - a. If the property owner and/or property owner's agent violates any requirements of this section 214-12, which results in the loss of a Tree(s), they shall be subject to a fine of \$2,500.00 per lost Tree. Such fine shall be payable through the Violations Bureau. In addition, the property owner shall further be required to replant Trees on the property pursuant to the Township Official's direction and discretion. All violations of this ordinance shall be subject a stop work order.
 - b. In addition, all other violations of this section 214-12 by the property owner and or agent, which do not result in the loss of a Tree(s), shall result in a fine of \$350 per violation to the property owner and/or agent. Such fine shall be payable through the Violations Bureau. Each day that the violation continues to exist shall constitute a new and separate violation of this section.

SECTION 2

214-9 Violations and penalties; responsibility for maintenance of system.

- A. Any person or persons, firms, corporations or entities who shall violate any of the provisions of this article or any order promulgated hereunder shall, after a summons is issued under the terms hereof, upon conviction, be punished by a fine of not more than \$500. Each violation of any of the provisions of this article and each day that such violation shall continue shall be deemed to be a separate and distinct offense. Notwithstanding the above, violations of section 214-12 "Protection of Trees" shall only be subject to fines and penalties contained in section 214-12.

SECTION 2 – Except as herein amended and supplemented, all other provisions of Chapter 214 of the Code of the Township of Wyckoff shall remain in full force and effect.

SECTION 3 – This ordinance shall take effect immediately upon final passage and publication as required by law.

