

**BOARD OF COMMISSIONERS
COUNTY OF HUDSON
ORDINANCE**

No. 176 B - 2025

On Motion of Commissioner Romano
Seconded by Commissioner Walker

**ORDINANCE ESTABLISHING THE DIVISION OF PLANNING'S ROLE AND
RESPONSIBILITY IN ASSISTING THE DEPARTMENT OF PARKS, WHICH ACTS AS
THE HUDSON COUNTY SHADE TREE COMMISSION PER
THE HUDSON COUNTY CODE.**

WHEREAS, pursuant to Section 5-70(E) the Hudson County Code, the Hudson County Department of Parks acts as the Hudson County Shade Tree Commission entity and assumes all responsibilities created by N.J.S.A. 40-37 et seq. Historically, for over twenty (20) years, the two (2) separate departments (Parks and Planning departments), were combined under one department, where the Division of Planning has always provided technical assistance to the Parks Department for street right of ways (hereinafter "ROW") tree management, and shade tree planning, among other things;

WHEREAS, this ordinance is intended to outline the current processes and practices carried out by the Division of Planning and the Parks Department's Urban Forestry Division, under the formal name 'Hudson County's Shade Tree Commission';

WHEREAS, this ordinance will provide information and transparency to residents and business owners about the Hudson County Shade Tree Commission and the management of street trees within the County Road's ROW

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the County of Hudson, that:

I. DEFINITIONS:

- A. "County Tree" means a tree located on land owned by the County, or which is located on a street, highway, public place, right-of-way (ROW), County easement, park or parkway or within the sidewalk lines.
- B. "County Street Tree" means a tree planted in the sidewalk, planting strip, in the public right-of-way adjacent to (or specified distance from) the portion of the street reserved for vehicular traffic, and/or in sidewalks or planting strips adjacent to County owned property. This also includes trees planted in planting strips within the roadway right-of-way, i.e., islands, medians, pedestrian refuges.
- C. "County Tree Removal" means upon finding that a County tree is hazardous the County shall remove said tree in accordance with law.
- D. "Hazard Tree" means a tree or limbs thereof that meet the below. Trees that do not meet any of the criteria below and are proposed to be removed solely for development purposes are not hazard trees. The criteria, includes, but is not limited to:
 - i. Has an infectious disease or insect infestation;
 - ii. Is dead or dying;
 - iii. Obstructs the view of traffic signs or the free passage of pedestrians or vehicles, where pruning attempts have not been effective;
 - iv. Is causing obvious damage to structures (such as building foundations, etc.);
 - v. Is determined to be a threat to public health, safety, and/or welfare;
 - vi. Uplifted sidewalks involving a County Tree will not be automatically defined as a Hazardous Trees and will require additional evaluation prior to make a determination as to its condition.
- E. "Hudson County's Urban Forestry Management Program" means the work conducted by the County to maintain the County's tree canopy and resources as outlined in the County's

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Community Forestry Management Plan (CFMP), in accordance with State guidelines set forth through the New Jersey Urban and Community Forestry Program

- F. "Invasive Tree" means a tree that is both non-native and able to establish on many sites, grow quickly, and spread to the point of disrupting locally native plant communities or ecosystems.
- G. "Shade Tree Commission" means the body, in this case, The Hudson County Department of Parks, that provides for the care, cultivation, maintenance, planting and removal of trees on County property; for the trimming of trees in the County Parks, park ways, and public greens; and may, upon any public street, exercise and discharge the functions powers and duties of a County Shade Tree Commission as provided by law.
- H. "Tree" means a woody perennial plant, typically having a single stem or trunk growing to a considerable height and bearing lateral branches at some distance from the ground.
- I. "Unsanctioned Tree Removal" means to kill or to cause irreparable damage that leads to the decline and/or death of a tree. This includes, but is not limited to, excessive pruning, application of substances that are toxic to the tree, accidental impact from vehicular damage, over-mulching or improper mulching, and improper grading and/or soil compaction within the critical root radius around the base of the tree that leads to the decline and/or death of a tree. Removal does not include responsible pruning and maintenance of a tree, or the application of treatments intended to manage invasive species.

II. ROLES AND RESPONSIBILITIES:

A. THE COUNTY OF HUDSON OWNS ALL "COUNTY STREET TREES" THAT ABUT A COUNTY ROAD, COUNTY PROPERTY, OR THAT IS IN A COUNTY ROW.

B. TREE PLANTING

i. Planting:

- a. The County shall prioritize planting street trees on an annual basis, as funding permits, using funds from the Hudson County Planning Board's Shade Tree Contribution Fund, County capital funds if appropriated, and other available financial resources secured through grants and other funding streams. Funding permitting, the goal is to carry out a tree planting project each year, either during the spring or the fall planting season.
- b. The County Division of Planning shall conduct a yearly assessment to determine where street trees will be planted, as well as which tree species to plant. Species selection will be determined based on the approved planting list (which can be found on the County of Hudson website on the Division of Planning landing page), and in line with the forestry management guidelines identified in the Hudson County Urban Forestry Management Plan.
- c. Once a determination is made, the County through the Division of Planning will plant street trees in accordance with the law.
- d. The creation of new tree pits shall follow all ADA requirements including installation of County approved ADA compliant tree grates. All existing tree pits shall be retrofitted as best as possible to meet ADA compliance.
- e. Individuals, private/public entities, and any other organizations, including but not limited to non-profit organizations, are not permitted to plant trees of their own volition on County property or right of ways, including right of ways abutting County roads. If individuals, private/public entities, and any other organizations, including but not limited to non-profit organizations, would

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like to make a Street Tree planting request, please see subsection ii: Planting Requests.

ii. **Planting Requests:**

- a. Individuals, private/public entities, and any other organizations, including but not limited to non-profit organizations, may request Street Tree plantings in front of their properties by contacting the County's Division of Planning through the request form listed under Section III: Services and/or Complaints. Once in receipt of the request form, the County, through the Division of Planning, will make a determination if same is feasible.
- b. The County through the Division of Planning shall fulfill all proper Street Tree planting requests along county roads, on a first come, first serve basis. Such requests will be completed on a yearly basis, so long as funds and resources permit.

C. TREE REPLACEMENT

i. **Replacements:**

- a. If the County determines that an existing tree or tree pit needs replacing, the County will replace same in a manner that is compliant with applicable law.
- b. Individuals, private/public entities, and any other organizations, including but not limited to non-profit organizations, are not permitted to replace County trees of their own volition, however, if they remove a tree on their own volition, they will be required to pay a fine to cover expenses of tree replacement.
- c. If any individual, entity, or organization would like to make a work request or complaint, they can file same as detailed below under Section III: Services and/or Complaints.

ii. **Adopting A Tree**

- a. In an effort to increase our tree replacement rate, we have initiated an "Adopt-A-Tree" program. Individuals, private/public entities, and any other organizations; including but not limited to non-profit organizations, interested in participating can find more details on the County of Hudson website, under the Division of Planning landing page.

D. REMOVAL:

- i. The County reserves the right to remove any Street Tree on its property or right of way.
- ii. Individuals, private/public entities, and any other organizations, including but not limited to non-profit organizations, are not permitted to remove any County Street Tree that is either owned by the County or on a County right of way.
- iii. Any requests for removal or complaints shall comply with Section III: Services and/or Complaints.

E. OTHER: UNSANCTIONED BEHAVIORS THAT NEGATIVELY EFFECT COUNTY STREET TREES

- i. Individuals, private/public entities, and any other organizations, including but not limited to non-profit organizations, are not permitted to engage in the following behaviors which may negatively effect County Street Trees:
 - a. Injure, deface, poison, or damage any tree through contact with any harmful gaseous, liquid, or solid substance with the roots, trunks, branches, or leaves of the County Street Tree;
 - b. Nail or otherwise attach anything to a County Street Tree;
 - c. Wound or break County Street Tree trunks or branches through contact with vehicles or heavy equipment, or otherwise operate personal vehicles or heavy

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machinery in such a manner as to remain on top of the ground within the critical root zone (the definition of which can be found on the County of Hudson website on the Division of Planning landing page) of any County Street Tree;

- d. Conduct maintenance on a County Street Tree, such as pruning, fertilizing, applying pesticides, removing or adding a tree guard, removing or adding a tree support, or any other form of maintenance without a permit, except for the watering of young trees;
- e. Change soil grade within the critical root zone of the County Street Tree;
- f. Cause damage or injury to a County Street Tree through fire or excessive heat;
- g. Contaminate soil, such as through washing out equipment, conducting vehicle maintenance, or any other activity that will cause any gaseous, liquid, or solid substance which is harmful to County Street Trees if it reaches the soil;
- h. Wound County Street Tree trunks with string weed trimmers, lawn mowers, or any other bladed equipment;
- i. Operate, place, pile, or store within the critical root zone of any County Street Tree any machinery, equipment, heavy objects, stone, rocks, cement, earth, soil, or other substance, which may harmfully affect such Street Tree by unduly compressing the earth or otherwise impeding or preventing the access of water or air to the roots of such tree;
- j. Excavate around, remove earth or soil from, trench around, or cause any water to flow upon the roots of any County Street Tree in any manner that may harmfully affect such tree;
- k. Any other activity that has caused substantial harm to a County Tree requiring remedial acts, and/or replacement of said tree by the County of Hudson.

III. SERVICE REQUESTS AND/OR COMPLAINTS:

- A. All requests for service and/or complaints shall be made to the County using the request/complaint form found on the County of Hudson website on the Division of Planning landing page within twenty-four (24) hours of discovery of the defect. As evidenced on the form, each request and/or complaint shall include individual's, entity's, or organization's name, date of request/complaint, the address/ area in question, and the reason for the request or complaint;
- B. Filing a request for service and/or complaint is not a guarantee that the County will take action;
- C. Upon receipt of said request and/or complaint, the County will make an assessment and determine how best to proceed;
- D. As an uninterested party, the County does not owe the complainant and/or requestor an explanation of its determination;
- E. If the County determines to take action, it will do such with a reasonable amount of time in accordance with the law.

IV. ENFORCEMENT:

- A. The County's Shade Tree Coordinator shall conduct monthly inspections for non-compliance to this ordinance.
- B. This ordinance shall be enforced by the County's Shade Tree Coordinator, Hudson County Improvement Authority (HCIA) enforcement officers, the Urban Forestry Staff, and/or the Sheriff's Office, during the course of ordinary enforcement duties.

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V. VIOLATIONS AND PENALTIES:

- A. Any person(s) who is found to be in violation of the provisions of this ordinance, shall be subject to penalties consistent with the municipal Shade Tree Ordinance in which the offense was made;
- B. In the event that a municipality does not have a codified active ordinance or Shade Tree Commission, the County's Shade Tree Coordinator shall work with the Sheriff's Department to assess comparable penalties for the violation;
- C. Individuals, private/public entities, and any other organizations, including but not limited to non-profit organizations, in violation of Sections II (D) and II (E), will be subject to additional fines equal to the money spent remediating the damage to County Street Trees. In cases where the County Street Tree must be replaced, the individual(s), entities, or organizations will be required to pay a fine to cover the expenses of tree replacement;
- D. Where possible and in compliance with relevant statutes, fines and fees collected as part of the penalties shall be transferred into the Shade Tree Contribution fund for future planting efforts.

VI. SEVERABILITY:

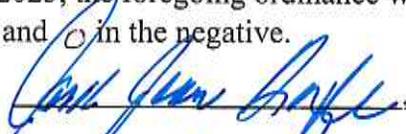
Each section, subsection, sentence, clause, and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause, and phrase, and finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause or reason shall not affect any other portion of this Ordinance.

VII. EFFECTIVE DATE:

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

Commissioner	Aye	Nay	Abst	N.P.	Commissioner	Aye	Nay	Abst.	N.P.
Walker	✓				Cedeño	/			
Cifelli	/				Rodriguez	/			
Kopacz	/				Baselice	/			
Aponte-Lipski	/				Chairman Romano	/			
O'Dea	/								

It is hereby certified that at a regular meeting of the Board of County Commissioners of the County of Hudson held on the 17 day of March A.D. 2025, the foregoing ordinance was finally adopted with 9 members voting in the affirmative and 0 in the negative.

 Clerk

The foregoing ordinance having been duly presented to me, I hereby approve the same

Dated: 4/1 A.D. 2025


County Executive

Source: Law
RG