



Appeals

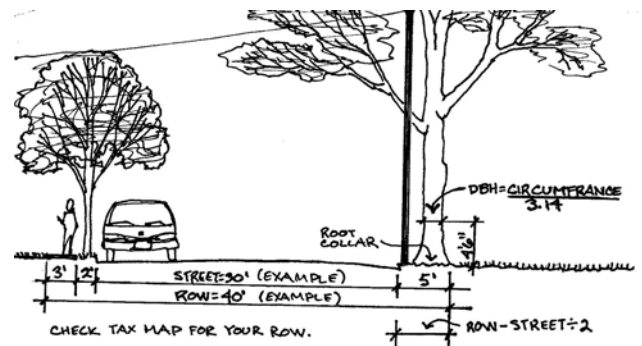
DUMONT SHADE TREES – A BRIEF HISTORY

Dumont was a sleepy farming hamlet until 1883 when the West Shore Railroad arrived. In 1894, Dumont Clarke became the first Mayor. Developers enticed potential buyers from NYC, resulting in a population of 634 in 1900. One 1906 brochure describes: "Dumont is not a treeless farm... Its streets are shaded by stately trees, and its houses present an air of comfort and refinement..." Camp Merritt opened in 1917, with the Monument circle and the dogwoods planted in Memorial Park are reminders of the million soldiers who deployed here. In 1951 a short movie "MY TOWN DUMONT" described: "We are a commuting people, departing by bus or train... In the cool of the evenings we return...The air is pure, clear, crisp – where birds carol in melodious notes of welcome to a town sedate, calm, quiet and clean. A delightful place of shaded streets lined with pleasant, homey homes and gardens most attractively informal... Travel where you may, you will find no place more attractive in its simplicity than my town."

Dumont currently boasts a population over 16,000. Street Tree plantings have become mature and many have outgrown the space allotted to them. In 2006 a small group of concerned citizens banded together to bring the benefits of the *NJ Community Forestry Assistance Act* to Dumont. In 2007, Mayor Matthew McHale appointed the first Dumont Shade Tree Commission. In 2008, the Council passed the first Dumont Shade Tree Ordinance.

2008 SHADE TREE ORDINANCE (PUBLIC LANDS) SUMMARY OF KEY SECTIONS ABOUT APPEALS:

Borough Tree: Any Tree which is situated in or along any public property, park, field, public right of way, easement or encumbrance. Tree situation is evidenced by 50% or more of the root collar or base of the trunk at the entry point to the ground being upon Borough land, regardless of the location of the crown, roots, tilt of the trunk, or other part of the Tree in relation to the property line.



Right Of Way ("ROW"): The public property in the Borough of Dumont, which excludes private property, and is the jurisdiction of the Borough, and is inclusive of all land in and along any Street up to the private property lines as shown on the Tax Map.

Purpose: The purpose of this ordinance is to promote the general welfare of the people of the Borough of Dumont by: (i) providing for the regulation, planting, care, control, improvement, removal, preservation, and general protection of Borough Trees in such a way as to protect and preserve the Borough environment with regard to Public Lands and Public Safety Interests; (ii) incorporate a Community Forestry Management Plan; (iii) providing for standards and procedures in connection with Borough Trees; and (iv) prescribing penalties for violations of this ordinance.

The Dumont Community Forest is recognized to be a living and constantly changing part of the Borough. As such, it is recognized that it is not possible to completely control, predict or prevent all events related to planting, growth, maintenance, decline, and death of Trees. However, the general objective of this ordinance is to establish a system for better managing this valuable resource through the Program established under the New Jersey Shade Tree and Community Forestry Assistance Act P.L. 1996, Chapter 135 and subsequent revisions thereto. The Community Stewardship Incentive Program Practices are:

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| 1. Plan Preparation | 5. Assessment / Inventory | 9. Tree Recycling |
| 2. Training | 6. Tree Hazard Identification Plan | 10. Ordinance Establishment |
| 3. Public Education and Awareness | 7. Tree Planting | 11. Tree Care Disaster Plan |
| 4. Arbor Day Activities | 8. Tree Maintenance | 12. Insect and Disease Management |

Exemptions. The following shall be exempt from the requirements of this ordinance: (a) Bergen County Roads located in the Borough, without approval of the Bergen County Shade Tree Commission (if any) or, the Bergen County Department of Parks and Recreation; (b) any living woody, deciduous or coniferous species which does not qualify as a Tree under the definitions of this Ordinance; and (c) Utility and Cable Companies undertaking emergency tree work to restore service or spot work to prevent interruption of electrical, telephone, telegraph, cable TV, internet, or other wire or cellular services provided that such Utility or Cable Company has complied with notice provisions.

Property Owners may Request to Appeal decisions of the Commission under the following procedure:

1. The Property Owner must submit their Request in writing to the Commission inclusive of their reasons and third party evidence upon which the Appeal will be based. Examples of third party evidence are photographs, surveys, authoritative documents, letters by experts or other evidence in support of the Request.
2. The Commission shall have not more than 30 days from the date of receipt of the written documents to review the information and may respond with (i) a reasonable request for additional information; (ii) acceptance of the Property Owner's request, or (iii) rejection of the Property Owner's Request with reasons stated. If additional information is subsequently submitted, then the commission shall have an additional 30 days from the date of submission of the additional information to either accept or reject, with reasons stated, the Property Owner's Request.
3. In the event that the above conditions are met, and the Commission has continued to reject the Property Owner's Request, then the Property Owner may present the same request and the same information to the Borough Administrator. The Borough Administrator shall not have more than 30 days from the date of receipt of the written documents to review the information and may respond with a reasonable request for additional information. If all of the additional information requested is subsequently submitted, then the Borough Administrator shall have an additional 30 days to present the Request to the Mayor and Council who will decide to either accept or reject the Property Owner's Request with reasons.
4. In the event that the above conditions are met, and the Mayor and Council have rejected the Property Owner's Request, then and only then, may the Property Owner pursue other legal options.

The cost of obtaining and submitting any reasonably requested information shall be at the expense of the Property Owner regardless of the outcome of the Appeal.

Adopt-A-Tree Program: If the DSTC or the Borough deems that a new Tree or replacement Tree shall be planted, then the Borough may plant within the ROW as determined by the DSTC. Property Owners shall be given the opportunity to participate in the Adopt-a-Tree Program, which shall be reviewed periodically by the DSTC and shall, at a minimum meet the following criteria:

- a. The Property Owner may select a tree from the appropriate DSTC approved list.
- b. The Property Owner shall water the Tree after planting once a day for a week, once a week for a month and once a month for a year. Approved DSTC guidelines for watering shall be followed.
- c. The Borough of Dumont shall maintain the tree.

Voluntary Planting and Maintenance Expenses Private Property Owners may apply to the Commission to voluntarily plant or maintain a Tree or Trees in the ROW abutting the Private Property. Permission shall be granted, provided the planting complies with this ordinance and other policies as approved by the Commission under an "Adopt-a-Tree Program". Voluntary plantings or maintenance costs may be borne by the Property Owner at one point in time, but this event does not obligate the Property Owner to bear future costs of maintenance or removal

