

Ord.#24-2022


Ordinance of the Township of Mount Olive, County of Morris,
State of New Jersey, Amending Chapter 347, Streets and
Sidewalks, of the Township Code to Establish a Limited
Reimbursement Program For Shade Tree Removal and Sidewalk
Repair In the Clover Hill Development.

CLERK:

Delivered to Mayor:

Date: 9/10/2022

Time: 9:00 am

Signed: 
Township Clerk
Michelle Masser

MAYOR:

Action by Mayor:

Approved: ☒

Date: 8-10-22

Vetoed: ☐

Date: _____

(Reasons for which Mayor has withheld approval of Ordinance, item or part Thereof.)

Signed: 
Mayor

CLERK:

Returned:

Date: 8/10/22

Time: 9:25 am

Not returned with in (10) days

Date: _____

Signed: 
Township Clerk

ORD.#24-2022

**ORDINANCE OF THE TOWNSHIP OF MOUNT OLIVE, COUNTY OF MORRIS,
STATE OF NEW JERSEY, AMENDING CHAPTER 347, STREETS AND
SIDEWALKS, OF THE TOWNSHIP CODE TO
ESTABLISH A LIMITED REIMBURSEMENT PROGRAM FOR SHADE TREE
REMOVAL AND SIDEWALK REPAIR IN THE
CLOVER HILL DEVELOPMENT**

WHEREAS, the Township of Mount Olive has implemented a program to remove shade trees and repair sidewalks damaged by shade trees in the Clover Hill development; and

WHEREAS, certain Clover Hill residents who had performed the same work at their own expense prior to the program implementation have requested reimbursement by the Township; and

WHEREAS, the Administration has recommended codifying the rules and requirements for such residents to receive reimbursement; and

WHEREAS, the Township Council finds it in the best interest of the Township to amend the Township Code to adopt rules and regulations for a reimbursement program.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Mount Olive, in the County of Morris and State of New Jersey, as follows:

SECTION 1. Chapter 347, Streets and Sidewalks, of the Township Code is hereby amended to establish Article V, Clover Hill Shade Tree/Sidewalk Reimbursement Program, to read as follows:

§ 347-26 Definitions.

As used in this article, the following terms shall have the meanings indicated:

CLOVER HILL DEVELOPMENT

The Clover Hill development as approved by the Township of Mount Olive Planning Board on March 23, 1964.

SHADE TREES

Trees planted between the sidewalk and road within or adjoining the municipal right-of-way.

SIDEWALK

A paved, surfaced or leveled area, paralleling and usually separated from the street, used as a pedestrian walkway.

§ 347-27 Reimbursement Program.

More than 50 years ago, the Township approved the installation of shade trees in the Clover Hill development. The trees have more recently caused a financial burden to Clover Hill property owners. For the overall health, safety and welfare of those residents and the general public using the sidewalks, the Township has instituted the Clover Hill Shade Tree/Sidewalk Project to remove shade trees and repair sidewalks damaged by shade trees in Clover Hill, the cost of which is borne by the Township.

This article establishes a limited reimbursement program for Clover Hill property owners who removed shade trees and/or repaired sidewalks damaged by shade trees at their own expense on or after January 1, 2018. The reimbursement amount is based on the cost for the Township to perform the same service. There is no reimbursement for removal of privately installed trees.

§ 347-28 Eligibility.

Any Clover Hill residential property owner on a street for which concrete sidewalks are required under the

Township's Land Use Code, and who has removed a shade tree and/or repaired a sidewalk abutting their property for damage from a shade tree on or after January 1, 2018, is eligible to participate in the reimbursement program subject to the requirements of this article.

§ 347-29 Application.

Eligible property owners who wish to participate in the program must complete and submit a application form, which form is available from the Township Clerk. Applications shall be accepted until the Clover Hill Shade Tree/Sidewalk Project is deemed complete by the Township. The form shall include the following information, and be submitted to the Clerk for review and a determination by the Administrator or designee.

- A. Name
- B. Address
- C. Phone
- D. Email
- E. Length of sidewalk (feet).
- F. Number of shade trees
- G. Proof of payment/invoicing

§ 347-30 Appeal.

A Clover Hill property owner may appeal a denial to their application by submitting a request to the Township Clerk, with a copy forwarded to the Administrator. The Township Council, or a Council's designee, shall conduct a hearing within thirty (30) days of the appeal properly being filed with the Clerk, unless an extension is agreed to between the Township Council and the appellant. The Township Council shall thereafter render a decision.

SECTION 2. If any section, subsection, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect the remaining portions of the Ordinance.

SECTION 3. All ordinances or parts of ordinances of the Township of Mount Olive that are inconsistent herewith are repealed to the extent of such inconsistency.

SECTION 4. This Ordinance shall take effect twenty (20) days following final passage, approval, and publication as required by law.

Introduced: 7/26/2022
Adopted: 8/9/2022
Effective Date: 8/1/2022

TOWNSHIP OF MOUNT OLIVE



Joe Nicastro, Township Council President

Attest: 8/9/2022



Michelle Masser, Township Clerk