

**BOROUGH OF SPRING LAKE
COUNTY OF MONMOUTH**

ORDINANCE NO. 2017-008

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 330,
STREETS AND SIDEWALKS OF THE BOROUGH CODE**

WHEREAS, Chapter 330, Streets and Sidewalks, of the Borough Code governs the efficient and proper repair and installation of streets, sidewalks and curbs in the Borough of Spring Lake; and

WHEREAS, the Mayor and Council have recommended that Section 330-18A "Right of Way Trees" be added as it is in the best interests of the health, safety and welfare of the residents of the Borough; and

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Spring Lake in the County of Monmouth and State of New Jersey that Section 330-18A be added as follows:

Section 330-18A **Right of Way Trees.**

Where locations of a proposed sidewalk construction are found to be in conflict with existing street trees or tree root systems, as determined by field conditions or where directed by the Borough or Engineer, the Contractor shall install the new concrete sidewalk with a "slight curved indentation" as detailed on the construction plan drawings. If conditions permit, a steel plate or tree root barrier, shall be installed adjacent to and below the bottom elevation of the new sidewalk, to direct future root growth away from the new sidewalk.

Where locations of a proposed curb construction are found to be in conflict with existing street trees or tree root systems, as determined by field conditions or where directed by the Borough or Engineer, the Contractor shall provide a sufficient break in the curb to accommodate reasonable future tree and root growth.

The Contractor shall exercise extreme care when encountering existing tree root systems during excavation of existing curb, sidewalk or apron, or the installation of new concrete curb, sidewalk or apron, within the project area.

Every effort shall be made to avoid damage to the root system of each tree encountered. The Contractor shall notify the Borough Engineer to inspect and approve each location where saw cutting of tree roots may be required. If any damage results to the existing tree or tree root system, the Contractor will be responsible for repair and/or root nourishment, suitable to the Engineer.

§ 330-19. Violations and Penalties.

Any person or persons who shall violate this article shall be liable, upon conviction, to the penalty stated in Chapter 1, Article II, General Penalty.

APPROVED: _____
JENNIFER NAUGHTON, Mayor

Attest:

Dina M. Zahorsky, Borough Clerk