

**AN ORDINANCE AMENDING CHAPTER 25, SECTION 27.11 OF THE REVISED
GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE
(VIOLATIONS AND PENALTIES)**

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF WEST ORANGE, NEW JERSEY that Chapter 25, Section 27.11 of the Revised General Ordinances of the Township of West Orange be and are hereby amended as follows:

I. PURPOSE

The purpose of this ordinance is to modify the fines set forth in Chapter 25, Section 27.11 of the Revised General Ordinances of the Township of West Orange to be amendable by Resolution such that it is amendable in the future by approval of the Township Council, a necessity in an everchanging socioeconomic climate.

II. CHAPTER 25 SECTION 27.11 SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING:

§25-27.11 BE AND HEREBY AMENDED AS FOLLOWS:

- The portion entitled “Violations and Penalties” which specifies required fees owed should any person violate any provision of Chapter 25, Section 27, shall be repealed and replaced by the following language:
 - a. Any person who violates any provision of this section shall, upon conviction thereof, be punishable by up to the maximum penalties prescribed by N.J.S.A. 40:49-5, establishing maximum penalties for violation of municipal ordinances generally, and as the same may be amended, the maximum penalties at the time of passage of this section being a fine not exceeding ~~\$2,000~~an amount prescribed by Resolution or imprisonment for a term not exceeding 90 days, or a period of community service not exceeding 90 days, or any or all of those penalties, and each tree removed or damaged in violation of this section shall be deemed a separate offense. However, if a person is convicted of removing a specimen tree without a permit, he shall be punished by a fine which shall be a minimum ~~of \$100~~amount prescribed by Resolution or the highest minimum fine then allowed by N.J.S.A. 40:49-5, and up to the maximum fine then allowed, or by imprisonment for a term not exceeding 90 days, or both.
 - b. In addition, any person who cuts or removes a tree in violation of this section shall be required to plant a replacement tree on the removal site pursuant to Subsection 25-27.8 of this section. If the tree that was illegally removed was a major tree, he must replant a major tree. If the tree that was illegally removed was a minor tree, he must replant a minor tree.
 - c. The removal of a tree in violation of this section shall automatically suspend any existing tree removal permit(s) associated with a property

and freeze the issuance of any future permits until the matter has been resolved and any required tree replacement has been completed.

III. REPEAL OF CONFLICTING ORDINANCES

Any Ordinances of the Township which are in conflict with this Ordinance are hereby repealed to the extent of such conflict.

IV. SEVERABILITY

If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereof shall not affect the remaining parts of this Ordinance.

V. EFFECTIVE DATE

This Ordinance shall take effect upon final passage and publication in accordance with the law.

SUSAN MCCARTNEY, MAYOR

**TAMMY WILLIAMS,
COUNCIL PRESIDENT**

**KAREN J. CARNEVALE, R.M.C.
MUNICIPAL CLERK**

INTRODUCED: March 21, 2023

ADOPTED:

Legislative History

The purpose of this ordinance is to modify the fines set forth in Chapter 25 of the Revised General Ordinances of the Township of West Orange to be subject to adjustment by Resolution.