

BOROUGH OF WATCHUNG

NOTICE OF PASSAGE OF AN ORDINANCE

Take notice that Ordinance **OR: 14/13** entitled "**AN ORDINANCE REPEALING AND REPLACING SECTIONS 24-2, TITLED "DEFINITIONS" AS TO THE DEFINITION OF "TREE REMOVAL/REPLACEMENT", "TREE REPLACEMENT"; 24-6A AND B, TITLED "APPLICATION AND TREE REMOVAL/REPLACEMENT"; 24-6C, TITLED "DESIGN CRITERIA", CHECKLIST A, PARAGRAPH 14, AND CHECKLIST B, PARAGRAPH 7; 24-8, TITLED "DESIGN CRITERIA" (PARAGRAPH J); 24-10, TITLED "TREE REPLACEMENT AND REFORESTATION"; AND 24-11, TITLED "FEES AND BOND", OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF WATCHUNG.**" was introduced, read and passed on first reading at a meeting of the Mayor and Council of the Borough of Watchung held on June 5, 2014, with a public hearing and adoption at a meeting held on June 19, 2014. This ordinance becomes effective upon publication.

STEPHEN K. POTE
Mayor

Attest: MICHELLE DEROCO, RMC
Municipal Clerk

Adopted 11/10/11
Published 11/17/11

(Revised October 13, 2011)

EXPLANATION: This Ordinance repeals and replaces Chapter XXIV of the Code of the Borough of Watchung titled "Tree Preservation."

**BOROUGH OF WATCHUNG
ORDINANCE No. OR:11/14**

**AN ORDINANCE REPEALING AND REPLACING CHAPTER XXIV
OF THE CODE OF THE BOROUGH OF WATCHUNG, NEW
JERSEY, TITLED "TREE PRESERVATION."**

BE IT ORDAINED by the Mayor and Council of the Borough of Watchung, in the County of Somerset and State of New Jersey, as follows:

1. Chapter XXIV of the Code of the Borough of Watchung, New Jersey, titled "Tree Preservation", is hereby repealed and replaced in its entirety with the following new Chapter XXIV titled "Tree Preservation":

CHAPTER XXIV TREE PRESERVATION

24-1 Purpose

A. The governing body of the Borough of Watchung finds and concludes that trees are a significant, historical, aesthetic and valuable ecological resource. Because of this, trees on public and private property are to be protected and preserved. Preserving and protecting the Borough's trees will counteract air pollution, minimize soil erosion and other related environmental damage, enhance the aesthetic environment of the Borough and preserve property values. This Ordinance is intended to maintain and enhance the general health, safety and welfare of the residents of the Borough by preserving and protecting one of the Borough's most valuable assets, its trees. This Ordinance provides that no trees shall be removed, cut down, or otherwise destroyed, unless a Tree Removal Permit has been issued by the Borough. Tree trimming and pruning are exempted from the permitting requirements unless the tree would be destroyed by the trimming or pruning.

B. The governing body of the Borough finds and concludes that tree removal in the Borough has a significant impact on the Borough because of the topography of the land; therefore, tree removal is limited and a one (1) to one (1) replacement is required for each live tree removed outside the primary building envelope.

C. The governing body of the Borough finds and concludes that the landform of the Borough is unique with a lower valley containing two (2) lakes and two (2) mountain ridges on either side. The land has steep slopes and many natural drainage ditches have carved their way toward the valley and the lakes. Because the Borough has a considerable amount of land that is sloped, significant tree removal leads to water runoff and drainage problems, erosion of the land, and sedimentation of the lakes and streams. The planting of replacement trees in critical areas on public property will be a contributing factor in the prevention of soil erosion. This replacement will benefit the Borough by reducing soil erosion and sedimentation of the lakes and streams because there is a direct correlation between tree removal on one property in the Borough and tree replacement on a different more critical area on another property.

D. The governing body of the Borough finds and concludes that the indiscriminate, uncontrolled and excessive destruction and cutting of trees upon lots and tracts of land within the Borough will result in increased municipal costs to control surface drainage, cause increased soil erosion, sedimentation, and decreased fertility of soil, all of which conditions are, and will in the future, be a deterrent to the public safety, health and welfare of the citizens of the Borough.

24-2 Definitions

For the purposes of this Ordinance, the terms used herein are defined as follows:

Applicant - The owner or developer of land within the Borough of Watchung desiring to remove trees, including the duly authorized agent of the owner or developer.

Developer - The legal or beneficial owner of land within the Borough of Watchung to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.

Dripline - A line connecting the tips of the outermost branches of a tree projected vertically to the ground.

Endangered species - Any species of tree threatened with extinction; including, but not limited to, species of trees so noted in State of New Jersey and/or national registers.

Historic tree - Any tree representing or approaching in girth the largest of its species in the State of New Jersey; or dedicated to or commemorating an individual or event.

Preferred tree list - The Watchung Environmental Commission list of trees recommended by tree specialists as best adapted to the climate, soil and topography of the Borough of Watchung and adopted by resolution of the governing body. This list shall be kept on file in the Borough Hall.

Protective barrier - The barrier constructed to protect the root system or trunk of a tree from damage during construction from equipment, soil or material deposits. Such a barrier may consist of a snow fence, sawhorses, or other such similar structures approved by the Borough Engineer and sufficient to protect the root system and/or trunk of a tree from damage.

Replacement tree - A nursery grown certified tree, properly balled, marked with a durable label indicating genus, species and variety and satisfying the standards established for nursery stock and installation thereof, as set forth by the American Association of Nurserymen.

Specimen tree - A tree, as determined by the Environmental Commission, which by nature, condition, size, location, and/or appearance imparts particular value to a property or landscape.

Tree - Any deciduous or coniferous species having a diameter of or greater than four (4) inches measured at a point four and one-half (4-1/2) feet above the ground; or any Dogwood, Birch or American Hornbeam having a diameter of or greater than two (2) inches measured at a point four and one-half (4-1/2) feet above the ground.

Tree bank fund - An account funded by an applicant in situations where the number of replacement trees mandated is in excess of practical planting parameters within the affected site.

Tree replacement - There is a one (1) to one (1) replacement ratio for each live tree removed. The replacement tree must be a minimum of 2 ½ inches in diameter, if replacing a tree of 18" diameter or less, or a minimum of 4" in diameter, if replacing a tree with a diameter greater than 18", measured four and one-half (4-1/2) feet from the ground. Replacement trees shall be selected from the preferred tree list. Other planned plantings require no specifications other than good forestry, with an appropriate selection of deciduous and evergreen.

Tree removal/replacement plan - A plan, prepared by the New Jersey Bureau of Forestry Management, a forestry consultant who is a graduate of a forestry school accredited by the Society of American Foresters, a landscape architect or similarly qualified person, identifying all tree(s) to be removed and/or replaced. A simplified tree removal/replacement plan prepared by the Applicant is permitted for an existing residence at the discretion of the Borough Engineer.

Tree well - Where fill is required around trees, the tree must be protected by an air well around the trunk, twelve (12) feet in diameter pursuant to formula provided by the New Jersey School of Nurserymen which will prevent the intrusion of soil. The top of the tree well must extend six (6) inches above the graded level.

24-3 Permit Required

A. Unless exempt pursuant to §24-4, no person shall cut, remove, top, injure, or damage any tree upon any lands within the Borough of Watchung without having first obtained a tree removal permit in accordance with this Ordinance.

B. The tree removal permit shall be displayed in a prominent and visible place on the property. Tree company must have a copy of the permit in their possession while performing tree removal.

24-4 Exceptions to Required Permit

The following shall be exempt from the tree removal permit requirements of this Ordinance.

A. Any tree cut or removed for purposes of logging or tree farming in accordance with a management plan of the New Jersey Department of Environmental Protection, reviewed and approved by the Planning Board or Board of Adjustment and filed with the Borough Clerk.

B. Any tree actively used as part of a commercial nursery, garden, orchard, or tree farm.

C. Trees directed to be removed by the Borough of Watchung, County of Somerset or State of New Jersey, with official notification kept by the Borough Engineer.

D. The pruning or removal of trees within utility rights-of-way by governmental organizations or utility companies for maintenance of utility wires or pipelines.

- E. The pruning of trees within sight easements.

24-5 Dead, Dying or Diseased Trees

A. Any person desiring to remove trees, which are dead, dying, diseased, damaged or otherwise a hazard to structures or human life shall apply to the Borough Engineer for a tree removal permit. That person shall certify to the Borough Engineer that the trees to be removed are dead, dying, diseased, damaged or hazardous, and the Borough Engineer shall issue a tree removal permit based upon that certification if it is five (5) or fewer trees. A tree removal permit for six (6) or more trees shall be issued by the Borough Engineer only after approval of the application by the Environmental Commission. No fee shall be charged for the issuance of a tree removal permit under §24-5.

B. In the event that the Borough Engineer disputes that a tree is dead, dying or diseased, or hazardous the property owner will retain, at the property owner's cost, a Certified Tree Expert to inspect the trees and provide a report to the Borough on the condition of the trees.

24-6 Application and Tree Removal/Replacement

Unless exempt pursuant to §24-4, any person desiring to cut or remove any tree(s), as defined in §24-2, shall apply to the Borough Engineer for a permit to remove such tree(s). The Applicant shall complete an application, submit a tree removal/replacement plan, if required by §24-6B, with the trees to be removed visually identified in the field.

A tree removal permit for five (5) or less trees shall be issued by the Borough Engineer. A tree removal permit for six (6) or more trees shall be issued by the Borough Engineer only after approval of the application by the Environmental Commission. Upon receipt of an application for a tree removal permit; the Environmental Commission shall have ten (10) business days to act on that application.

A. Application Information.

1. Provide the name, address, and telephone number of the Applicant who shall be the owner or duly authorized agent of the owner, where applicable.
2. Identify the premises by street, block and lot number.
3. Provide the name, address and telephone number of the contractor to perform the work.
4. Provide the quantity, species, diameter, condition and distance to nearest structure and reason for removal of the trees requested to be removed.
5. Provide replacement tree quantity, species and diameter.
6. The application shall be signed and dated by the Applicant.

B. Tree Removal/Replacement: General Regulations.

1. Every application for the removal of any tree or trees is required to submit a tree removal/replacement plan for approval.

2. The Environmental Commission shall review the tree removal/replacement plan submitted as part of the a subdivision or site plan application. In addition to the requirements of this Ordinance, all conditions imposed by the Planning Board or Board of Adjustment approval regarding land-clearing operations, tree removal and tree replacement shall be met.

3. The Borough Engineer may accept a simplified version of the tree removal/replacement plan when tree removal is not associated with land disturbance and/or the removal is on the property of an existing residence.

4. In the event it is not possible to replace the required number of trees within the existing lot and the lot has at least 50% of original tree coverage, an off-site contribution to the Watchung Tree Bank of an equal number of trees or cash equivalent of \$200.00 per tree should be placed in the Tree Bank Fund to be used for the purchase of future tree plantings on public property within the Borough as determined by the Traffic and Beautification Committee in consultation with the Department of Public Works. The future tree plantings will be located in areas such as steep slopes, stream areas, buffer areas and other areas to improve drainage and reduce soil erosion.

C. Tree Removal/Replacement Plan, Information Required.

Three (3) copies of a Tree Removal/Replacement Plan prepared in accordance with the appropriate detailed checklist below shall be submitted as part of the application. Follow Checklist A when tree removal is associated with land disturbance. Follow Checklist B when tree removal is associated with no or minimum land disturbance.

CHECKLIST A
Tree Removal/Replacement Plan
For Tree Removal with Land Disturbance

1. Prepare property survey at a scale of not less than 1-inch = 30-feet identifying the area of the lot and the limit of land disturbance.
2. Identify all slopes greater than ten (10%) percent where any tree removal is proposed.
3. Locate streams and wetlands within 150-feet of proposed tree removal.
4. Identify the primary residence construction envelope for all new single-family residential construction and additions (limit of foundation plus fifteen (15) feet).
5. Identify the location(s) of all principal and accessory building(s), septic systems, wells, roads and driveways, parking lots, and other structures or impervious surface areas.
6. Identify the proposed final grading (if applicable).
7. Individually locate all existing trees in the area and fifty (50) feet beyond the delineated limit of disturbance, except for new construction (wooded areas where no tree removal is requested may be delineated as "woods" and individual trees need not be located, but must be counted).

8. In the event of new construction, all trees four (4) inches in diameter and greater must be individually located on the entire lot.
9. Identify the location(s), species, and diameters of all existing trees(s) and clearly identify the quantity to be cut or removed.
10. Provide table of proposed tree(s) removal, including quantity, species and diameter.
11. Count Total number of existing trees four (4) inches or greater in diameter on entire lot.
12. Calculate proposed removal percent as number of trees proposed to be removed divided by total number of trees on lot. [Tree Removal % = # trees removed/total # trees]
13. Calculate tree percentage remaining. [Tree Remaining % = 100% – Removal %]
14. Specify tree replacement proposed on separate plan and in table format including species, quantity and size. (Total replacement count shall equal the number of trees removed).
15. Provide details of planting.
16. Identify name and address of owner on the plan.
17. Identify street location and block and lot in the title block.
18. Provide an approval block near the title block as follows:

Approved By:

(Environmental Commission)

(Date)

(Borough Engineer)

(Date)

CHECKLIST B
Tree Removal/Replacement Plan
For Tree Removal with No or Minimum Land Disturbance

19. Provide copy of existing survey of property or create a sketch of property.
20. Locate house, driveway, accessory buildings, streams, ponds and wetlands on survey or sketch.
21. Identify the location(s), species, and diameter of all trees(s) to be cut or removed.

22. Count total number of existing trees four (4) inches or greater in diameter on entire lot.
23. Calculate proposed removal percent as number of trees proposed to be removed divided by total number of trees on lot.
[Tree Removal % = #trees removed/total # trees]
24. Calculate tree percentage remaining.
[Tree Remaining % = 100% – Removal %]
25. Specify tree replacement proposed including species, quantity and size. (Total replacement count shall equal the number of trees removed).
26. Identify name and address of owner on the plan.
27. Identify street location and block and lot on the plan.
28. Provide an approval block as follows:

Approved By:

(Environmental Commission)

(Date)

(Borough Engineer)

(Date)

D. Field Identification of Trees to be Removed

1. For single-family residential construction, the primary residence construction envelope (limit of foundation plus fifteen (15) feet) must be marked on site by string line, caution tape or other readily discernable method at the time the application is made.

2. All other tree(s) requested to be removed must be marked individually on site with red or orange plastic tape at the time the application is made. Paint spraying or other permanent marking, damaging, or defacing of trees is prohibited.

E. Tree removal permits shall expire two (2) years from the date of issuance.

24-7 Issuance of Permit

A. In the event the application states that five (5) or fewer trees as defined in §24-2 are to be cut or removed from the lot or tract of land identified in the application, and the identified trees do not include historic, endangered species, or specimen trees, then, and in that event, the Borough Engineer shall follow the design criteria as defined in §24-8, after having inspected the site, issue a permit for the removal of said tree(s).

B. In the event the application states that six (6) or more trees as defined in §24-2 are to be cut or removed from the lot or tract of land identified in the application or in the event that the trees include historic, endangered species or specimen trees then, and in that event, the Borough Engineer shall only issue the tree removal permit with the approval of the Environmental Commission. The Environmental Commission shall inspect the site to determine

whether the plan for the removal of the trees meets the design criteria for approval as set forth under §24-8.

C. The Construction Code Official shall not issue a building permit until a tree removal permit has been issued and approved in accordance with the provisions of this Ordinance.

D. The Construction Code Official shall not issue a Certificate of Occupancy until there has been compliance with this Ordinance. If tree replacement has not yet been completed because of weather conditions, cash or other security may be submitted at \$200.00 per tree to ensure compliance.

24-8 Design Criteria

A. In addition to the tree removal prohibitions contained in §24-12, only those trees necessary to permit the construction of new buildings, structures, streets, driveways, utility infrastructure and other authorized improvements shall be removed. Existing vegetation shall be preserved to the greatest extent feasible.

B. Trees in the area between the property line and the setback lines shall be preserved where feasible.

C. No more than fifty (50%) percent of the existing trees within the property boundaries shall be removed. The remaining trees shall be designated for preservation. The applicant is required to provide the tree count information on the lot.

D. The Environmental Commission or Borough Engineer shall have the authority to require the protection of any tree or tree canopy areas designated to be preserved on the site by requiring the erection of protective barriers.

E. No clear-cutting of easements. No tree removal for utility placement (i.e. sewer) until line is laid out and then tree removal +/- 5' on either side notwithstanding that the easement may be thirty (30') feet in width.

F. Tree removal from any slope in excess of ten (10%) percent is prohibited if it will contribute, as determined by the Planning Board, Board of Adjustment, or Borough Engineer, to the increased runoff of surface water onto adjoining property, increased soil erosion or the deposition of silt, increased dust and/or the decrease of soil fertility unless other means, approved by the Borough Engineer, are provided to prevent runoff and erosion.

G. If a tree designated to be preserved eventually dies because of root disturbance or a change in drainage, or if the owner prefers to remove the tree, it shall be removed and replaced it with another tree from the preferred tree list in the same or another area after all on-site fill and re-grading has stabilized.

H. To the extent that §24-8 does not conflict with buffer requirements of the land use ordinances of the Borough of Watchung, a buffer zone of trees and shrubs shall border three (3) sides of an industrial or commercial property. The Planning Board or Board of Adjustment may require a larger buffer zone when noise, size or height of a building or architectural design of the development require an increase, including a buffer of trees on all sides.

I. All residential, commercial and industrial development shall consider the use of treeless areas, if possible, for building sites. If it is necessary to develop wooded areas or to

remove trees for proposed building sites, the Planning Board, Board of Adjustment, and/or the Borough Engineer shall require tree planting in treeless areas as described in §24-10.

J. Tree replacement used in a required planting or to replace a damaged tree must be a minimum of two and one-half (2-1/2) inches in diameter, if replacing a tree of 18" diameter or less, or a minimum of 4" in diameter, if replacing a tree with a diameter greater than 18", measured four and one-half (4-1/2) feet from the ground. Trees shall be selected from the preferred tree list with an appropriate selection of deciduous and evergreens.

K. An Applicant shall make a contribution to the Tree Bank Fund of \$200.00 per tree if it can be shown that the current property cannot support the planting of additional trees, so that these trees would flourish and grow. The Borough Engineer may request that the Applicant hire a landscape architect to certify that the property cannot support the planting of the required trees and show that the critical areas on the property have been planted with new trees to reduce the effects of soil erosion on steep slopes, streams and drainage areas.

L. The cash equivalent of \$200.00 per tree should be placed in the Tree Bank Fund to be used for the purchase of future tree plantings on public property within the Borough as determined by the Traffic and Beautification Committee in consultation with the Department of Public Works. The future tree plantings will be located in areas such as steep slopes, stream areas, buffer areas and other areas to improve drainage and reduce soil erosion.

24-9 Erection of Protective Barriers

A. Tree protection measures and the limit of disturbance line shown on the tree removal/replacement plan shall be provided in the field with snow fencing or other durable material and verified by the Borough Engineer or other designated official prior to soil disturbance.

B. Protective barriers shall not be supported by the plants they are protecting, but shall be self-supporting. Barriers shall be a minimum of four (4) feet high and last until construction is complete.

C. Chain link fence may be required for tree protection if warranted by site conditions and relative rarity of the plant.

D. Snow fencing used for tree protection shall be firmly secured along the dripline, but not less than six (6) feet from the trunk.

E. The grade of the land located within the dripline shall not be raised or lowered more than six (6) inches unless compensated by welling or retaining wall methods; and in no event shall welling or retaining wall methods be located less than six (6) feet from the trunk of a tree.

F. No soil stockpiling, storage of building materials, construction equipment or vehicles shall be permitted within the dripline or within six (6) feet of any protected trees, whichever is greater.

G. Any clearing within the dripline, or within six (6) feet of the trunk of a remaining tree, whichever is greater, shall be done by hand-operated equipment.

24-10 Tree Replacement and Reforestation

A. All live trees removed shall be replaced on a one (1) to one (1) ratio. Where land clearing and/or construction operations on the site result in the removal of or severe damage (which will eventually result in the death) to any tree noted for preservation, the person or entity responsible for the removal shall replace the tree(s) with another tree of the same species or from the preferred tree list at a size of at least two and one-half (2-1/2) inches in diameter if replacing a tree of 18" diameter or less or a minimum of 4" diameter if replacing a tree with a diameter greater than 18" measured at a point four and one-half (4-1/2) feet above ground.

B. Replacement shall be completed within one (1) year of project completion, or if an existing property, within one (1) year of receiving a permit.

24-11 Fees and Bond

A. At the time of filing of an application by a lot owner or the developer of the land, the Applicant shall pay a fee of twenty-five (\$25.00) dollars for the permit, inspection and application review.

B. Where the application involves a subdivision or site plan application, the Applicant shall pay a fee of one hundred (\$100.00) dollars per lot for the permit, inspection and application review. Except as provided in §24-7(a), upon receipt, the Borough Engineer shall immediately forward copies of the application to the Environmental Commission.

C. Where the application involves a subdivision or site plan application, new construction or demolition, the Applicant shall post a cash bond in the amount of two hundred (\$200.00) dollars per tree removed, with a minimum amount of one thousand (\$1,000.00) dollars per lot in the form acceptable to the Borough of Watchung to guarantee compliance with the approved Tree Removal/Replacement Plan. A final tree survey may be required by the Borough Engineer in order to determine if compliance has been met. The survey, at the discretion of the Borough Engineer, maybe required to be made by a licensed State of New Jersey land surveyor.

D. Whenever a tree has been replaced with another tree, the cash bond referred to hereinbefore shall not be released to the Applicant for a period of two (2) years, and only after the Borough Engineer has inspected the new tree and approved the release.

E. Where the application involves a subdivision or site plan application, the Applicant shall reimburse the Borough for all direct or indirect costs in connection with the review of the application.

24-12 Prohibited Tree Removal

Tree removal is prohibited as follows:

A. Tree removal is not permitted when it will expose vacant land, billboards, utility substations, transmission towers, quarries, or other commercial structures or operations, except where trees are dead or diseased and/or endanger life or property.

B. A tree classified as a historic, endangered species or specimen tree shall not be removed.

C. Trees in public rights-of-way, parks, or public areas may not be removed without complying with this Ordinance.

24-13 Enforcing Officer

A. The Borough Engineer or designee shall be the enforcing officer under this Ordinance.

B. The Borough Engineer may order any tree removal or other activity, which is carried on in violation of any tree removal permit or any provision of this Ordinance to be stopped forthwith. The order shall be issued in writing and a copy served upon the owner of the lot and the person engaged in tree work upon the subject lot. Thereafter, except for such work as is necessary to remedy the violation, any further work shall comply with the terms and conditions of any permit issued and the provisions of this Ordinance.

C. Prior to the issuance of a Summons, the Borough Engineer shall provide a notice of violation, which notice will provide for a thirty (30) day period to cure or remedy the violation.

24-14 Appeal to Mayor and Council

If the request for a permit is denied, the Borough Engineer shall promptly notify the Applicant, setting forth the reasons in writing. The Applicant shall have the right to appeal any denial by the Borough Engineer to the Mayor and Council of the Borough of Watchung within ten (10) days of receipt of the Borough Engineer's decision. The appeal shall be by written notice of appeal to the Borough Clerk. The Mayor and Council shall hear the appeal within thirty (30) days after filing. The Mayor and Council may, in its discretion and upon complete review of the application, and after hearing testimony, modify, reverse or affirm the denial.

24-15 Violations and Penalties

A. Any person who shall violate any provision of this Ordinance shall, upon conviction thereof, be punishable by one (1) or more of the following: a minimum fine of five hundred (\$500.00) dollars not to exceed two thousand (\$2,000.00) dollars or imprisonment for a period not exceeding ninety (90) days or to a period of community service not exceeding ninety (90) days at the discretion of the Municipal Court.

B. Each tree removed without a tree removal permit shall be considered a separate and distinct offense punishable by separate fines.

C. In addition to these fines and penalties, any person found guilty of violating this Ordinance shall be required to replace each tree removed without the required tree removal permit with another tree of the same species or from the preferred tree list at a size of at least two and one-half (2-1/2") inches in diameter measured at a point four and one-half (4-1/2') feet above ground. If the trees removed without a permit were greater than eighteen (18") inches in diameter, then the replacement tree shall be four (4") inches in diameter.

D. Any person who is convicted of violating this Ordinance within one (1) year of the date of a previous violation of this Ordinance and who was fined for the previous violation, shall be sentenced by the Municipal Court to an additional fine as a repeat offender. The additional fine imposed by the Municipal Court upon a person for a repeated offense shall not be

less than the minimum or exceed the maximum fine fixed for a violation of this Ordinance, but shall be calculated separately from the fine imposed for the violation of this Ordinance.

E. Except as otherwise provided, each and every day in which a violation of this Ordinance exists shall constitute a separate violation.

24-16 Severability

If any section, subsection, paragraph sentence, clause, phrase or word contained in this Chapter shall be declared unconstitutional or invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Chapter, which shall remain in full force and effect, and to this end the provisions of this Chapter are hereby declared to be severable.

24-17 Effective Date

This Ordinance shall take effect immediately upon final adoption and publication, all in accordance with law.

ATTEST:

BOROUGH OF WATCHUNG

By: Michelle DeRocco
Michelle DeRocco
Borough Clerk

By: Gerald M. Mobus
Gerald M. Mobus
Mayor

Introduced by: POTE

Passed: October 27, 2011

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