

- [5] All plants for screening shall be of a species common to the area and be either nursery, container grown, or be balled or burlapped, and be free of insects and disease.
- [6] Buffered screen plantings shall be broken at points of vehicular and pedestrian ingress and egress to assure a clear sight triangle at all street and driveway intersections.
- [7] Low-type shrubbery shall be used in and around parking areas, roadway, or accessways where sight distances for vehicular and pedestrian traffic are a prime consideration. Shrubby shall be a minimum of three feet high when planted and be of such density as to obscure, throughout the full course of the year, the glare of automobile headlights emitted from premises. All other shrubbery for screening shall be a minimum of five feet high at the time of planting. Dense hedges of shrubbery planted at a maximum of 30 inches on center may be used.
- [8] Trees for screening shall be evergreens having a minimum height of 10 feet above the ground when planted. Trees shall be five feet on centers in a single row, or five feet on centers in two or more staggered rows with a five-foot separation between rows. Evergreens may be supplemented with deciduous trees having a minimum eleven-foot height at time of planting with a minimum caliber of 2 1/2 inches.

### **Subdivision of Land**

#### **§ 445-83. Street trees.**

Except in subdivisions which the Planning Board shall determine to have an adequate number of existing shade trees, the subdivider shall plant street trees, which shall be placed on the building side of the sidewalk or sidewalk area. Street trees shall be a minimum of 50 feet and a maximum of 60 feet apart and be not less than two inches in diameter at time of planting. The type of street trees to be used shall be determined by the Cape May City Shade Tree Commission.

### **Parks and Recreation**

#### **§ 368-2. Prohibited conduct.**

(5) Damage, cut, carve, transplant, or remove any tree or plant, or injure the park, or pick flowers or seed of any tree or plant, dig in or otherwise disturb grassed areas, or in any other way injure the natural beauty or usefulness of any area.

(6) Climb any tree or walk, stand or sit upon monuments, vases, planters, fountains, railings, fences or upon any other property not designated or customarily used for such purposes.

(7) Tie or hitch an animal to any tree or plant.

### **ARTICLE XXXII Shade Tree Commission**

#### **§ 10-105. Commission established.**

#### **§ 10-106. Membership; appointment; alternate members.**

#### **§ 10-107. Terms.**

#### **§ 10-108. Organization; salaries.**

#### **§ 10-109. Vacancies.**

#### **§ 10-110. Powers.**

#### **§ 10-111. Planting and removal of trees; notice and hearing; emergencies.**

#### **§ 10-112. Improvements.**

#### **§ 10-113. Appropriations.**

### **ARTICLE XXXII Shade Tree Commission**

#### **§ 10-105. Commission established.**

A Shade Tree Commission is hereby established according to N.J.S.A. 40:64-1 et seq., vesting in the Shade Tree Commission all of the necessary power and privileges pertaining to the regulation, planting, care and control of shade and ornamental trees and shrubbery

upon and on the streets, highways, public places, parks and parkways of the City. The Commission shall be legally known as the "Shade Tree Commission of the City of Cape May, New Jersey."

**§ 10-106. Membership; appointment; alternate members.**

- A. The Commission shall consist of seven members, and two alternate members, appointed by the City Council, all of whom shall be residents of the City and will serve without compensation except as hereinafter provided.
- B. The alternate members shall be designated at the time of appointment as "Alternate No. 1" and "Alternate No. 2" and shall serve during the absence or disqualification of any regular member or members. The term of each alternate member shall be five years commencing on January 1 of the year of appointment; provided, however, the initial term of Alternate No. 2 shall be four years and the initial term of Alternate No. 1 shall be five years. The terms of the first alternate members appointed pursuant to this section shall commence on the day of their appointment and shall expire on the fourth or fifth December 31 next ensuing after the date of their appointments, as the case may be. An alternate member may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member. A vote shall not be delayed in order that a regular member may vote instead of an alternate member.

**§ 10-107. Terms.**

Except to fill vacancies, the term of office is five years.

**§ 10-108. Organization; salaries.**

The Shade Tree Commission shall select from its membership a Chairman, and the appointment of a Secretary who need not be a member. The Secretary may be salaried even if a member of the Shade Tree Commission; such salary shall be fixed by City Council. All other salaried employees of the Shade Tree Commission will have their salaries fixed by the Commission in accordance with the salary of the City and corresponding positions.

**§ 10-109. Vacancies.**

Any vacancy occurring by reason of death, resignation or removal shall be filled for the unexpired term by the City Council.

**§ 10-110. Powers.**

The powers of the Shade Tree Commission are those powers specifically authorized by N.J.S.A. 40:64-5. The Shade Tree Commission shall:

- A. Exercise full and exclusive control over the regulation, planting and care of shade and ornamental trees and shrubbery now located, or which may hereafter be planted, in any public highway, park, or parkway.
- B. Regulate and control the use of the ground surrounding the same, so far as may be necessary for their proper growth, care and protection.
- C. Move or require the removal of any tree, or part thereof, dangerous to public safety.
- D. Care for and control such parks and parkways; encourage arboriculture; make, alter, amend and repeal, in the manner prescribed for the passage, alteration, amendment and repeal of ordinances by the City Council, any and all ordinances necessary or proper for carrying out the provisions hereof.
- E. Administer treatment to, or remove, any tree situated upon private property which is believed to harbor a disease or insects readily communicable to neighboring healthy trees in the care of the City and enter upon private property for that purpose, with the consent of the owner thereof, provided the suspected condition is first confirmed by certificate issued by or on behalf of the Department of Agriculture.

**§ 10-111. Planting and removal of trees; notice and bearing; emergencies.**

In every case where the property of an abutting owner will be chargeable with the cost of the planting of any shade tree, the Shade Tree Commission shall give notice of the meeting at which it is proposed to consider the planting, by publishing the notice at least once, not less than 20 days before the meeting, in a newspaper circulating in the City or by personal service of a copy of the notice upon the abutting owner at least 10 days before the meeting. The notice shall specify the streets or portions thereof on which such planting is proposed and require all persons who may object thereto to present their objections in writing at the office of the Shade Tree Commission at or before the meeting. Before final action shall be taken, all objections so filed shall be considered. The Shade Tree Commission shall give reasonable notice of its intention to remove, or cause the removal of, a tree, or part of a tree, dangerous to public safety, unless public safety requires immediate removal, in which case no notice shall be necessary.

**§ 10-112. Improvements.**

No statute giving any person or state, county or municipal board, body or official, power or authority to lay any sidewalks along, or to open, construct, curb or pave any street, or to do any similar act, shall be construed to permit or authorize any interference with, or injury to, a highway shade tree without the consent of the Shade Tree Commission within whose jurisdiction such tree shall be located. In all cases, such Shade Tree Commission shall reasonably cooperate with such person, board, body or official for the general public good.

**§ 10-113. Appropriations.**

- A. As part of the annual budget process, the Shade Tree Commission shall certify to the City the estimated sum necessary for the proper conduct of its work during the ensuing fiscal year, which shall include the sums estimated to be expended for such of the following items for which it is anticipated expenditure will be made, namely:<sup>9</sup>
- (1) Payment of wages and salaries of employees.
  - (2) Expenses of Shade Tree Commission members in discharging official duties, including expenses incident to attendance at professional meetings.
  - (3) Purchase of trees and shrubbery.
  - (4) Purchase of necessary equipment and materials and the cost of services for the prudent promotion of the work.
- B. The City Council shall annually appropriate such sum as it may deem necessary for such purposes.

## **Master Plan 2009**

### **Natural Features**

#### **Shade Trees**

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The City recognizes the importance of protecting existing vegetation and replacing vegetation that is removed when land is developed. Cape May has a landscaping ordinance that requires up to 60% of a lot be left in vegetation and tree replacement for larger trees that are removed. The City participates in Tree City USA and has also adopted a "Community Forestry Management Plan" authored by the Shade Tree Commission with the intent of increasing the community's understanding of the urban forest and increasing the public's appreciation of trees on public and private land that benefit the entire community.

### **TRAFFIC & PARKING ELEMENT**

#### **Lafayette Street and Washington Street**

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On both streets, numerous Sycamore trees growing between the sidewalk and the curbing lean out over the roadway. Advisory signs are placed advising motorists, especially truckers, of that condition

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The parking lane and bike lane will provide safe distance between moving vehicles and the overhanging trees.

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Good guide signing requires that signs are located sufficiently in advance and are legible so that motorists can make the proper decision before they must negotiate a turn. These signing practices are difficult to implement in urban areas with closely spaced streets, limited right-of-way, curbside parking, driveways, and overhanging trees. Such conditions are typical throughout the City.

### **Conservation Element**

#### **Environmental Protection & Conservation**

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The City recognizes the importance of protecting natural resources. Current regulations

preserve soils and existing vegetation and require the replacement of vegetation that is removed when land is developed. Cape May has a landscaping ordinance that requires up to 60% of a lot be left in vegetation and tree replacement for larger trees that are removed. Participation by the Environmental Commission and Shade Tree Commission in land development reviews has ensured compliance with the regulations and should continue.