

First Reading 8/10/15
Final Reading 9/14/15

ORDINANCE NO. 2015 –20

AN ORDINANCE OF THE BOROUGH OF SOUTH RIVER, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, AMENDING THE BOROUGH CODE OF THE BOROUGH OF SOUTH RIVER, SO AS TO AMEND CHAPTER 22, ENTITLED “BOARDS COMMISSIONS AND AUTHORITIES” SO AS TO AMEND ARTICLE IV

BE IT ORDAINED by the Mayor and Borough Council of the Borough of South River, County of Middlesex, and State of New Jersey, as follows:

SECTION 1. Chapter 22 of the Borough Code of the Borough of South River, entitled “Boards, Commissions and Authorities” is hereby amended so to delete Article IV Environmental/Shade Tree Commission in its entirety and replace it with the following:

Article IV. Environmental Commission/Shade Tree Advisory Board

§ 22-12. Creation; membership.

There shall be a commission known as the "Environmental Commission/Shade Tree Advisory Board of the Borough of South River" composed of seven members who shall be residents of the Borough. Each member shall be appointed upon nomination of the Mayor, one of whom shall also be a member of the South River Borough Planning Board. The membership of the Environmental Commission/Shade Tree Advisory Board of the Borough of South River shall upon its first meeting of each calendar year elect from its own members by majority vote the Chairperson and presiding officer of the Commission.

§ 22-13. Alternate members.

In addition to the regular members of the Environmental Commission/Shade Tree Advisory Board, the Mayor shall appoint two alternate members who shall be residents of the Borough.

A. Alternate members shall be designated, at the time of appointment, as "Alternate No. 1" and "Alternate No. 2." The terms of the alternate members shall be two years, except that the terms of the alternate members first appointed shall be, commencing January 1 of the year of appointment, two years for Alternate No. 1, and one year for Alternate No. 2. A vacancy occurring otherwise than by the expiration of a term shall be filled by the appointment of the Mayor for the unexpired term only.

B. An alternate member shall not be permitted to act in any matter in which he has either directly or indirectly any personal or financial interest. An alternate member may, after public hearing if he requests one, be removed by the governing body for cause, in the same manner as provided for the removal of regular members.

C. Alternate members may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member. No vote shall be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote first.

§ 22-14. Terms of Office.

A. The terms of office of the first commissioners shall be for one, two or three years, to be designated by the mayor in making his appointments so that the terms of approximately $\frac{1}{3}$ of the members will expire each year, and their successors shall be appointed for terms of three years and until the appointment and qualification of their successors.

B. A vacancy occurring on the Commission other than by expiration of a term shall be filled for the unexpired term in the same manner as an original appointment.

§ 22-15. Removal of Office.

The governing body may remove any member of the Commission for cause, after written charges have been served upon the member and after a hearing on the charges, at which time the member shall be entitled to be heard in person or by counsel, which expense shall be borne by the Commissioner.

§ 22-16. Powers.

A. The Commission shall have the following powers:

(1) To conduct research into the use and possible use of open land areas of the Borough.

(2) To coordinate the activities of all unofficial bodies which are organized for purposes similar to that of the Commission.

(3) To advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which in its judgment it deems necessary for its purpose.

(4) To keep and maintain an index of all open areas, publicly or privately owned, including open marshlands, swamps or other wetlands, in order to obtain information on the proper use of such areas.

(5) To recommend to the Planning Board plans and programs for inclusion in a municipal Master Plan and the development and use of such open land areas.

(6) To study and make recommendations concerning open space

preservation, water resources management, air pollution control, solid waste management, noise control, soil and landscape protection, environmental appearance and marine resources protection.

(7) Subject to the approval of the governing body, to acquire property, both real and personal, in the name of South River, by gift, purchase, grant, bequest, devise or lease, for any of its purposes, and to administer the same for such purposes, subject to the terms of the conveyance or gift. Such an acquisition may be to acquire the fee or any lesser interest, development right, easement, including conservation easement, covenant or other contractual right (including a conveyance on conditions or with limitations or reversions), as may be necessary to acquire, maintain, improve, protect, limit the future use of or otherwise conserve and properly utilize open spaces and other land and water areas in the Borough.

(8) Said Commission shall have advisory power concerning the, regulation and control over the planting, care and control of shade and ornamental trees and shrubberies upon or in highways, parks or parkways (except County parks and parkways) in the Borough of South River.

- B. This Commission shall not have the power of condemnation or eminent domain. It shall not have power to pledge the credit of the Borough or to create any debt against it or in any manner act as the agent of the Borough.

§ 22-17. Tree Removal/Application.

No Shade Tree on Borough property shall be removed without an application submitted to the Borough. The Borough shall provide for the necessary application to be issued to any property owner of the Borough of South River who wishes to remove any shade tree within the right of way of Borough streets. The Commission shall make recommendation on the type of shade tree planting which would be allowed within the rights of way of the Borough street if the property owner requests a replacement.

§ 22-18. Records of Meetings.

- A. The Commission shall keep records of meetings and activities and shall make an annual report to the governing body.
- B. The Commission shall establish rules and regulations to govern its meetings and activities, not inconsistent with this article.

§ 22-19. Expenses; Employees.

The governing body may appropriate such funds as it deems necessary for the expenses incurred by the Commission and may appoint such clerks and other employees as it may from time to time require. Such appointments shall be within the limits of funds appropriated to the Commission by the governing body.

§ 22-20. Violations and penalties.

Any person violating any provisions of this article shall, upon conviction

thereof, be punished as provided in Chapter 1, Article I, General Penalty, as the court deems necessary and just.

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 4. This ordinance shall take effect after second reading and publication as required by law.

Dated:

ATTEST:

JOHN M. KRENZEL, Mayor

PATRICIA O'CONNOR, Municipal Clerk