

2010-95

**AN ORDINANCE OF THE TOWNSHIP OF
LAKEWOOD, COUNTY OF OCEAN, STATE
OF NEW JERSEY REPEALING CHAPTER
XIX ENTITLED "PROTECTION OF TREES"
AND REPLACING IT WITH NEW CHAPTER
XIX ENTITLED "PROTECTION OF TREES"**

BE IT ORDAINED by the Township Committee of the Township of Lakewood, County of Ocean, State of New Jersey, as follows:

SECTION 1. That Chapter XIX of the Code of the Township of Lakewood entitled "PROTECTION OF TREES" is hereby repealed and replaced in its entirety by the following new Chapter XIX entitled "PROTECTION OF TREES:

CHAPTER XIX

PROTECTION OF TREES

§ 19-1. Intent and Purposes

- A. *Indiscriminate, uncontrolled and excess destruction, removal and cutting of trees upon lots and tracts of land within Lakewood Township will cause increased drainage control costs, increased soil erosion and sedimentation, decreased fertility of the soil, degradation of water resources, decreased groundwater recharge, increased buildup of atmospheric carbon dioxide, the establishment of a heat island effect and increased dust and pollution.***

The singular or cumulative affect of any of the foregoing could adversely impact the character of Lakewood Township, decrease property values, render the land unfit and unsuitable for its most appropriate use, and negatively affect the health, safety and general welfare of Lakewood's residents. Thus, the Township Governing Body desires to regulate and control indiscriminate and excessive cutting of trees within the Township and to require appropriate tree replacement.

- B. *It is recognized that there is a strong interrelationship between the integrity of the Township's water resources, development on steep slopes, tree removal, soil disturbance, storm water management and the general use of the land resources. Fewer trees throughout the Township also correlates with increased air pollution. Therefore, the Township Committee finds that the appropriate management of these resources is an important health, safety and general welfare concern. Managing the Township's tree resources is consistent with the State-approved Community Forestry Management Plan, as P.L. 1996, c.135. The appropriate management guidelines for tree preservation to be utilized are:***

- (1) *The American National Standard, ANSI A300 (Part 5) Management;*
 - (2) *Trees and Development: A Technical Guide to Preservation of Trees During Land Development, Nelda Matheny and James R. Clark; and*
 - (3) *Protection and Care of the Urban Forest, NJDEP Division of Parks and Forestry.*
- C. *Trees are declared to be an important cultural, ecological, scenic and economic resource. Proper management of this resource will ensure its maintenance and result in economic returns. A forestry management program is intended to meet the objectives of preserving, protecting, enhancing and maintaining trees and providing opportunities for the continued use of forest resources which are compatible with the maintenance of the environment. This will be accomplished by ensuring management of forest and trees through the application of sound management practices. To that end, it shall be unlawful to cut down, damage, poison or in any other manner destroy or cause to be destroyed any trees covered by this chapter, except in accordance with the provisions of this chapter.*
- D. *The enforcement of this chapter shall be the duty of the Lakewood Department of Code Enforcement. When he deems appropriate the Code Enforcement Officer shall use the expertise of the Shade Tree Commission through the regulation, planting, care and control of shade, ornamental and evergreen trees and shrubs in the streets, highways, public places of the Township and tree removal on all lands within the Township.*
- E. *Tree removal and replacement shall be in accordance with this Chapter and Section 18-803 H of the UDO. Terms not specifically defined this Chapter shall have the same meanings assigned to such terms in the UDO.*

§ 19-2. Definitions

DIAMETER BREAST HEIGHT (DBH) -*The diameter of a tree measured four and one-half (4½) feet above the uphill/highest side.*

CALIPER: ANSI Z60 FOR NURSERY STOCK – *Caliper is a type of diameter measurement used in the nursery industry. The height measurement shall be taken from ground level for field grown stock and from the soil line for container grown stock, which should be at or near the top of the root flare. Caliper measurement of the trunk shall be taken six (6") inches above the top of root flare up to and including four-inch caliper size. If the caliper at six inches above the ground exceeds four inches (4"), the caliper should be measured at twelve (12") inches above the top of root flare. Seldom are tree trunks perfectly round. The most accurate measurement will result from the use of a diameter tape. Caliper measurements taken with manual or electronic "slot" or "pincer" type caliper tools should be the average of the smallest and largest measurements.*

The plan is to be approved by the New Jersey Department of Environmental Protection, Division of Parks and Forestry, New Jersey Forest Service. The Shade Tree Commission shall oversee the implementation of the Community Forestry Management Plan.

EROSION – The detachment and movement of soil or rock fragments by water, ice, wind and gravity.

EXEMPT AREA – The lot area as provided in this chapter for which tree replacement shall not be required.

FOREST MANAGEMENT PLAN – A plan for the management of timbered or forested lands approved by the New Jersey Department of Environmental Protection, New Jersey Forest Service, or similar state or federal agency.

HISTORIC TREE – A tree that has been found to be of notable historic interest to Lakewood Township because of its age, type, size or historic association and which has been so designated by the governing body by resolution.

OPEN SPACE – Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use and enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open spaces, provided that such areas may be improved with only those buildings, structures, streets and off-street parking and other improvements that are designated to be incidental to the natural openness of the land.

SHADE TREE COMMISSION – Shade Tree Commissions formed by municipal ordinance, N.J.S.A. 40:64-1, et seq.

SPECIMEN TREE – Shall mean those trees listed as “Specimen Trees” in Section 18-803 H.2 of UDO.

TREE – Any deciduous or coniferous species which has a DBH of ten(10”) inches or greater.

TREE ESCROW FUND – A fund established by the governing body for the administration and promotion of tree and shrubbery resource sustainability projects and practices which may be consistent with the Community Stewardship Incentive Program as outlined within the New Jersey Shade Tree and Community Forestry Assistance Act P.L. 1996, chapter 135.

TREE PLANTING PLAN – A specific plan adopted by Lakewood Township for the location and placement of trees on public property.

TREE PRESERVATION & REMOVAL PLAN (Tree Save Plan) – A specific plan that contains tree locations and other information in accordance with § 19-5 herein.

TREE REMOVAL PERMIT – The permit issued by the Lakewood Inspection Department or, its designee, to remove or destroy a tree or trees.

TREE REPLACEMENT PLAN – A specific plan for replacement of removed trees in accordance with the provision of this chapter.

UDO – The Lakewood Township Unified Development Ordinance of 2005.

§ 19-3. Applicability

The terms and provisions of this chapter shall apply as follows:

- A. Unless specifically excepted in subparagraph C below, it shall be unlawful for any person to remove or cause to remove trees with a DBH of ten (10") inches or more without first having obtained a tree removal permit as provided herein.**
- B. Specimen and Historic trees. Trees, which have been designated as specimen or historic under the provisions of this Chapter shall be maintained in a living condition and it shall be unlawful for any person to remove such tree without an approved tree removal permit. No specimen or historic tree shall be removed unless the applicant has obtained the approval of the Code Enforcement Officer.**

The condition of trees proposed to be saved shall be evaluated by use of guides as follows:

- (1) Evaluation of Hazard Trees in Urban Areas. ISA Books, Nelda Matheny and James R. Clark.**
 - (2) Urban Tree Risk Management, USDA Forest Service, Northeastern Area.**
 - (3) The Guide for Plant Appraisal, The Council of Tree and Landscape Appraisers.**
- C. Exceptions. The provisions of this chapter shall not apply to the following:**
- (1) Any property upon which no trees are located, as confirmed by a Statement of No Tree Verification, signed and by the property owner.**
 - (2) Any tree of less than ten (10") inches DBH.**
 - (3) Any tree or trees removed or cut in accordance with a forest management plan, provided that such plan is filed with the Code Enforcement Officer, Tree Specialist, Shade Tree Commission and Tax Assessor.**
 - (4) Any tree or trees removed or cut in accordance with a conservation plan approved by the Soil Conservation District, provided that such plan has been filed with the Shade Tree Commission or the Tax Assessor.**
 - (5) Any tree or trees planted and grown for commercial purposes on property used**

as a commercial nursery, tree farm, garden center, Christmas tree plantations or tree orchards.

- 6. Any tree located on a tract of land one (1) acre or less in size on which a single family dwelling has been erected and a Certificate of occupancy issued.*
- 7. Any tree growing on land actually being used for a sanitary landfill operation or for surface mining.*
- 8. Any tree growing in a public right-of-way.*
- 9. Any dead, diseased, or other tree that is likely to endanger life or property.*
- 10. Any tree located on a tract of land for which a site that has received preliminary or final minor or major subdivision approval, preliminary or final site plan approval from with the Planning board or Board of Adjustment or where an application has been filed and deemed complete for the erection of residential dwellings, commercial or industrial uses.*
- 11. Any tree located within ten (10) feet of the proposed lines of a building foundation for which a building permit has been issued.*
- 12. Any tree located within the actual proposed placement of driveways and sidewalks incidental to the construction of a principal building, for which a building permit has been issued.*
- 13. Any tree in a drainage or utility easement.*

§ 19-4. Tree Removal Permits; General

- A. Any person wishing to obtain a tree removal permit shall make application to the Lakewood Inspection Department by filing a written application and paying such fees as set forth in § 19-8. No permit shall be issued until a Tree Preservation and Removal Plan for the lot or parcel has been reviewed and approved as compliant with § 19-5.*
- B. Where an application, as required by this chapter, has been submitted, no permit shall be issued until a tree save plan for the lot or parcel, if necessary, has been reviewed and approved as compliant with § 19-5, and until the filing of a written report of an on-site inspection by the Code Enforcement Officer. Where an application is made in connection with the construction of a building or other improvement, no building permit shall be issued until the tree removal permit has been issued.*
- C. All required escrow and bond fees for any application, including required tree replacements or fees, shall be verified as paid prior to the issuance of the tree removal permit.*

- D. Tree removal permit applications shall be filed at the Inspection Department's office and shall be completed in full. The application must be deemed complete and all required fees, as set forth in § 19-8, be paid prior to review.**
- E. Inspections. After the application is complete and reviewed, the Code Enforcement Officer or the Tree Specialist shall inspect the trees and property, which are the subject of the permit application.**
- F. Permit approval or denial. The Code Enforcement Officer shall approve or deny the tree removal permit within twenty (20) business days after the application is declared to be complete. The Code Enforcement Officer shall notify the applicant in writing of the factual basis and criteria for any denial. The final decision of the Code Enforcement Officer may be appealed to Township Committee by filing written notice within ten (10) days of the final decision. The governing body shall hold a public hearing and issue its decision within sixty (60) days after notice of appeal is filed, unless the applicant requests, and the governing body consents to an extension of time. The governing body may delegate its appeal responsibilities to the Shade Tree Commission.**

§ 19-5. Tree Removal Permit Application Requirements

A Tree Removal and Permit Application shall be submitted to the Inspection Department. Applications that require Planning Board or Zoning Board approval shall, have tree removal permit application as part of the submittal to the Planning Board or Zoning Board and said plans provided to the Inspection Department for review and approval in accordance with this chapter. Tree removal permit application shall contain the following:

- A. The name and address of the applicant.**
- B. The name and address of the owner of the property from which the trees are to be removed.**
- C. The lot and block of the property.**
- D. The shape and dimensions of the lot or parcel, including the location of all existing and proposed easements. If the tree removal permit is for a single-family residence, the plan shall consist of a tree location sketch containing the minimum amount of pertinent information to enable the determination of compliance with the regulations in this chapter. The plan for any other property shall include a survey prepared by a licensed land surveyor that contains tree locations. The survey shall contain, at a scale of no less than one (1") inch equals fifty (50') feet the following information:
 - (1) The existing and proposed tree preservation limits.**
 - (2) The proposed limit of the clearing and all Historic and Specimen trees to be retained outside the tree clearing identified by some approved method as determined by the Code Enforcement Officer or his designee, such as flagging,****

prior to the field inspection. For any clearing greater than or equal to two (2) acres, a representative 100 ft. by 100 ft. sample area reviewed and approved by the Code Enforcement Officer shall be inventoried. In addition all Historic and Specimen Trees shall be located

- (3) The installation and limits of a temporary existing tree protection fence along the limits of the proposed tree removal shall be designated on the plan.(4**
- (4) All specimen and historic trees to be removed shall be indicated on the plan. All reasonable efforts shall be made to preserve such trees..**
- (5) A proposed tree replacement plan, if required, in accordance with this chapter. A tree replacement plan shall be considered the proposed landscaping plan required for all subdivision and site plan approvals.**
- (6) A North arrow.**
- (7) The location of existing and proposed structures and improvements, if any.**

§ 19-6. Term of Permit

Any and all permits approved by the Inspection Department shall be declared null and void if the tree removal is not completed within a reasonable time, not to exceed thirty-six (36) months, from the date of approval unless extended by the Code Enforcement Officer. Permits not used within this period will require a new application and the payment of new fees. For purposes of this section, a permit shall no longer be valid when the work authorized by the permit is completed.

§ 19-7. Criteria for Issuance of Permits

Upon completion of the review by the Planning Board, Zoning Board or Code Enforcement Officer, as applicable, the permit will be approved, provided:

- A. The Tree Removal Permit is compliant with § 19-5;**
- B. The Tree Replacement Plan is approved by the Code Enforcement Officer;**
- C. At least one of the criteria as follows has been satisfied:**
 - (1) The tree is located in an area where a structure or improvements will be placed according with the approval of Planning/Zoning Boards.**
 - (2) The tree is dead, diseased, injured, in danger of falling, is too close to existing or proposed structures, interferes with existing utility service, creates unsafe vision of clearance or conflicts with other ordinances or regulations.**

- (3) *The tree is to be removed for harvesting as a commercial product or for the purpose of making land available for farming or other agricultural activity, or is to be removed in furtherance of a forest management plan or soil conservation plan, or to serve some other purpose which is consistent with the purposes of this ordinance.*

§ 19-8. Fees

A. Application.

- (1) *The applicant, at time of filing the application, shall pay the application fee of ten (\$10.00) dollars for each new or existing lot. No application shall be considered without the payment of the required fees. An inspection fee of twenty-five (\$25.00) dollars will be applied to all applications requiring an on site verification.*
- (2) *Replacement Fee will be in accordance with § 19-8.1 and shall be paid prior to the release of any performance guarantee.*

B. Tree Escrow Fund. *A Tree Escrow Fund shall be established and maintained by the Chief Financial Officer of Lakewood Township to receive and disburse replacement tree contributions. Appropriations from the Tree Fund shall be authorized by the governing body with consideration of the Shade Tree Commission recommendation in accordance with the municipal tree planting plan.*

The primary purpose of said fund is to provide for the planting and maintenance of trees and shrubs on public property. The fund will also cover administrative costs to implement the provisions of this chapter, including but not limited to site inspections, processing of permits and supervision of tree replacements.

§ 19-8.1. Replacement Trees

A. *Any tree removed pursuant to this chapter, unless exempt under §19-3C or §19-10C, shall be replaced based on the following:*

<i>Number of Trees to be Removed</i>	<i>Size/Diameter in Inches</i>	<i>Number of Replacement Trees</i>	<i>Size of Replacement Trees</i>	<i>Or Dollar Amount</i>
1	Greater than 10" up to 16"	1	2 - 2 ½"	\$ 200.00
1	Greater than 16" up to 23"	2	2 - 2 ½"	\$ 400.00
1	Greater than 23" up to 30"	4	2 - 2 ½"	\$600.00

1	Greater than 30"	5	2 - 2 ½	\$800.00
---	------------------	---	---------	----------

In cases where the tree cost requirement criteria is combined with other criteria of this subsection, the value of proposed shade, ornamental, evergreen and shrub material shall be deducted from the calculated amount for replacement trees. The value of the proposed landscape material shall be calculated based upon average local material costs for planting.

- B. The applicant will receive a one-for-one replacement tree credit trees greater than four (4") inches in diameter that are preserved within the exempt area set forth in Section 19-10C.*
- C. All replacement trees shall be planted on site in accordance with the foregoing. However, if one or more of the following conditions exist, some or all of the replacement trees may be planted off-site:*
 - (1) The site in question cannot physically accommodate the total replacement amount of trees, and the applicant contributes an amount equal to the calculated monetary value of non-replaced trees to the Tree Escrow Fund; or*
 - (2) The Code Enforcement Officer, or the Planning Board and Zoning Board and applicant agree in writing that the applicant shall make payment to the Tree Escrow Fund based upon the chart provided; or*
 - (3) The Code Enforcement Officer or the Planning Board and Zoning Board and applicant agree in writing that the applicant shall plant replacement trees off-site on municipally owned property pursuant to the municipal tree planting plan.*
- D. Notwithstanding the tree replacement fee schedule in paragraph A above the maximum tree replacement fee shall be limited to \$2,000 per acre of clearing.*

§ 19-9. Existing Tree Protection During Construction

- A. (1) Prior to construction and any tree removals, suitable tree protective barriers shall be erected and this protection, where required, shall remain until such time as the protection is authorized to be removed by the Code Enforcement Officer or after issuance of a final certificate of occupancy. In addition, during construction no attachments or wires shall be attached to any of said trees so protected. Where some grading must take place within the drip line of trees in the protection zone, appropriate measures shall be taken to minimize impact to the trees. Any trees seriously damaged during construction must be professionally treated by a N.J. Certified Tree Expert or replaced according to the schedule in Section 19-8.1 A if the damage is beyond treatment.*
- (2) A detail of the existing tree self-supported protective barrier shall be provided*

on all applications. The protective barrier shall be a minimum of (4') feet high.

- (3) The self-supported protective barrier shall be placed at the drip line of any tree along the limit of clearing and around the entire drip line for trees to remain undisturbed within the limit of clearing. Refer to: §18-803 B General Standards.*
- (4) It shall be unlawful for any person in the construction of any structure or other improvement to place solvents, material, construction machinery or temporary soil deposits within the drip line.*

- B. Street right-of-way and utility easements may be delineated by placing stakes a minimum of fifty (50') feet apart and tying ribbon, plastic tape, rope, etc., from stake to stake along the outside perimeters of such areas to be cleared.*
- C. Large property areas separate from construction and land-clearing areas into which no equipment will venture may also be delineated as set forth above in § 19-9B, as determined by the Code Enforcement Officer.*

§ 19-10. Tree Replacement

Any tree removed pursuant to a tree removal permit shall be replaced as provided below, unless said tree is located in an exempt area is dead or fatally diseased as determined by a by the Code Enforcement Officer, or tree replacement payment is made pursuant to § 19-8.1. Tree replacement shall be required in accordance with the standards set forth in ANSI Z60. 1, American Standard for Nursery Stock. Tree replacement shall be in accordance with either paragraph A, B, C or D below or a combination of paragraphs A, B, C and D:

- A. Replacement trees shall be provided in accordance with Section 19-8.1 All proposed replacement trees shall be in accordance with selections from Trees For New Jersey Streets, published by the New Jersey Shade Tree Federation, and Street Tree Fact sheets a publication of the Municipal Tree Restoration Program, and submitted for review and approval prior to the issuance of a tree removal permit.*
- B. All replacement trees shall be planted on site, unless all of the replacement trees cannot be physically accommodated. In such instance, the applicant shall pay the tree replacement fee in accordance with the schedule in § 19-8.1.*

B. Exempt Areas.

(1) For all new residential and mixed use development, the Exempt Area will consist of the area required to construct the dwelling and ancillary facilities. The ancillary areas shall include the driveway, parking areas, garage, roads, basins, decks and all utilities, including septic systems if required. The area required for construction will include a perimeter of twenty (20) feet around the structure, and a perimeter of five (5) feet around all

ancillary facilities. In addition, the balance of the area shall be exempt based on the proposed lot size in accordance with the following:

<u>Lot Size:</u>	<u>Additional Exempt Area:</u>
Up to 7,500 s/f or less	95%
Greater than 7,500 s/f but less than 10,000 s/f	90%
10,001 s/f – 12,000 s/f	85%
12,001 s/f – 15,000 s/f	80%
15,001 s/f – 20,000 s/f	75%
20,001 s/f – 40,000 s/f	70%
Greater than 40,000 s/f	50%

These sites shall be required to preserve or replace the following minimum number of trees based on the lot size. The replacement trees for this section shall be either two (2") inch to two and one half (2 1/2") caliper trees as specified in this ordinance or four (4') to six (6') foot evergreen trees in accordance with the following

<u>Lot Size:</u>	<u>Minimum # of Trees</u>
7,500	4
7,501-10,000	6
10,001-12,000	8
12,001-15,000	10
15,001-20,000	12
20,001-40,000	14
Greater than 40,000	16

- (2) Agricultural operations are exempt from replacement requirements because such operations are governed by the Right-to-Farm Act, N.J.S.A. 4:1C-1 to 10, which preempts local regulation..
- (3) In all commercial, industrial and non-residential developments the developed area of the site shall be exempt. The sites shall be required to preserve or replace trees based on the rate of four (4) trees per acre of clearing.
- (4) Utility line clearance operations, provided that such plan is filed with the Inspection Department and work performed in accordance with ANSI A300 Part 7: BMP "Utility Pruning of Trees", and Board of Tree Experts "Pruning Standards for Shade Trees" section 5.5.

§ 19-11. Emergencies

In case of emergencies such as hurricanes, fire, windstorm, ice storm, flood, freezing temperatures or other disaster, or in the case of dead or diseased trees which are a hazard to persons or property, the requirements of the regulations set forth in this chapter may be waived by the Code Enforcement Officer upon a finding that such waiver is necessary so that the public or private work to restore order on the property in the Township will not be impeded.

§ 19-12. Stop-work orders

The Code Enforcement Officer is hereby authorized to issue stop-work orders to the holder of the tree removal permit in the event that there is:

- A. A failure to comply with the approved plan such as a site plan, forest management plan or soil conservation plan;*
- B. Non-compliance with the tree removal permit granted pursuant to this chapter; or*
- A. Non-compliance with the provisions of this chapter.*

The stop-work order shall remain in effect until the Code Enforcement Officer, if one has been appointed, has determined that the resumption of work will not violate the plans, permit or the provisions of this chapter.

§ 19-13. Enforcement

The Lakewood Department of Code Enforcement in consultation with the Shade Tree Commission, if one has been appointed, shall oversee all tree removals pursuant to an issued tree removal permit. The Code Enforcement Officer shall conduct adequate inspections of all sites for which a tree removal permit has been issued. Upon the ascertainment of a violation of this chapter, the Shade Tree Commission shall refer enforcement actions to the Code Enforcement Officer.

§ 19-14. Applicability to Tree Removal Construction Companies; Permit Required

All provisions of this chapter shall apply to any person removing trees on behalf of any other person, including all tree removal construction companies or persons in the business of removing trees or construction. It shall be unlawful for any person or company to remove or cause to be removed any tree or undertake any work for which a permit is required pursuant to this chapter unless a valid permit therefore is in effect and is displayed in accordance with the provisions set forth in § 19-15; such removal or work shall constitute a violation of this section and shall subject the person or company violating this section to all penalties provided herein.

§ 19-15. Display of Permit; Carrying of Plan or Authorization; Right of Entry

- A. The applicant shall prominently display on the site the tree removal permit issued. Such permit shall be displayed continuously while trees are being removed or replaced or work done as authorized on the permit and for ten (10) days thereafter. In addition, the person or persons cutting or removing trees, if other than the applicant, shall carry with him/her authorization from the owner or applicant authorizing such person to cut or remove trees. In the event that the trees are being cut or removed in accordance with a forest management plan or a soil conservation plan, a copy of the plan shall be in the possession of the person cutting or removing such trees.**
- C. As a condition for the issuance of the permit, the applicant shall agree in writing to the entry onto his/her premises by the Code Enforcement Officer and all law enforcement officers as necessary to effectuate the provisions of this chapter, and such entries shall be deemed lawful. Failure to allow such entry shall be unlawful and shall constitute a violation of this chapter and shall constitute failure to display the permit as required herein. It shall be unlawful and considered a violation of this chapter for any person to engage in the business of plant cutting, trimming, removal, spraying or otherwise treating trees, shrubs or vines within the Township and without the applicable certification or license for the designated work..**

§ 19-16. Violations and Penalties

- A. Any person, firm, partnership, corporation, association or other legal entity violating any of the provisions of this chapter shall, upon conviction of such violation be punished by a fine of up to two thousand (\$2,000.00) dollars for each offense, in the discretion of the Judge before whom conviction may be had. Each illegally removed tree shall be considered a separate violation. Each violation of any of the provisions of this chapter and each day the same is violated shall be defined and taken to be a separate and distinct offense. In addition, the court may order restitution (fine and/or appraised value, whichever is greater) and/or replacement of the tree illegally removed.**
- B. In addition to other remedies, the Code Enforcement Officer or other authorized official may institute any appropriate legal action to prevent a continuing violation of the terms of this chapter.**

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, and in accordance with NJ.S.A. 40:69A-181(b).

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed on first reading at a regular meeting of the Township Committee of the Township of Lakewood, in the County of Ocean, State of New Jersey, held on December 9, 2010, and will be considered for second reading and final passage at the regular meeting of said Governing Body to be held on the 23rd. Dec. 2010, at 7:30 p.m., or as soon thereafter as this matter can be reached, at the meeting room of the Municipal Building located at 231 Third Street, Lakewood, New Jersey, at which time all persons interested shall be given an opportunity to be heard concerning this ordinance.


MARY ANN DEL MASTRO, RMC
Township Clerk