

**BOROUGH OF PENNINGTON  
RESOLUTION 2022 - 11.8**

**RESOLUTION RATIFYING INFORMAL RESOLUTION OF VIOLATION OF SECTION 13-10  
OF THE BOROUGH CODE PERTAINING TO UNAUTHORIZED REMOVAL OF A TREE  
FROM THE PUBLIC RIGHT-OF-WAY**

**WHEREAS**, Section 13-10.A of the Code of the Borough of Pennington provides, among other things, that no person shall remove any tree in the public-right-of way or public property of the Borough;

**WHEREAS**, Section 13-10.B of the Borough Code provides that any person violating this prohibition shall, upon conviction, be subject to a fine not exceeding \$1,000. plus payment for correction of the work as necessary to bring it into compliance with applicable specifications and requirements;

**WHEREAS**, the Owner of the residential property known as Block 705, Lot 8 at 315 Sked Street has removed a tree from the public right-of-way between the curb and sidewalk in front of the property, believing the tree to be dead;

**WHEREAS**, the removal of the tree became known to Borough officials and the matter was reviewed by the Borough Shade Tree Committee, which recommended that enforcement action of some kind be taken by the Administration;

**WHEREAS**, the matter was resolved amicably by the Mayor who directed that the owner pay the cost of a replacement tree, which was estimated by Public Works at \$275;

**WHEREAS**, a copy of the owner's check for \$275, payable to the Borough of Pennington, is attached to this Resolution;

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Pennington, as follows:

1. The check for \$275 payable to the Borough of Pennington for a replacement tree is hereby accepted and ratified in lieu of formal proceedings in the matter of the Owner of Block 705, Lot 8 pursuant to Section 13-10 of the Borough Code, with the following caveat.
2. The unauthorized removal of any tree or shrub or part of a tree or shrub in the public right-of-way is prohibited by ordinance. Prosecution in Municipal Court pursuant to Section 13-10.B is the rule.

**Record of Council Vote on Passage**

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Angarone					Gross				
Chandler					Marciante				
Gnatt					Stern				

This is to certify that the foregoing is a true copy of a Resolution adopted by the Borough Council of the Borough of Pennington at a meeting on November 7, 2022.

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Elizabeth Sterling, Borough Clerk