

SECTION 1.

Chapter 10-45 subsection F. (3) is amended to add:

For a period of six (6) months from the effective date of this ordinance, Open Space Trust Fund monies not to exceed \$150,000.00 shall be available to be used for the sole purpose of cutting dangerous trees in those areas of the open space and recreation areas traversed by trails and hiking paths open to the public. The Township Committee shall invite the public, the Open Space, Parks and Recreation Advisory Committee, and the Environmental Commission to provide recommendations and advise in this regard. These funds may also be used to notice the public and provide warnings regarding the wild or remote areas where tree removal is impractical.

SECTION 2 Severability:

Each section, subsection, sentence, clause, and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause, and phrase, and finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause or reason shall not affect any other portion of this Ordinance.

SECTION 3. REPEALER

All ordinances of the Township of Mendham which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4. Effective Date:


This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

Introduced: October 10, 2023

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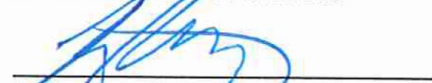
Introduced: October 10, 2023
Public Hearing: November 13, 2023
Adopted: November 13, 2023

Attest:



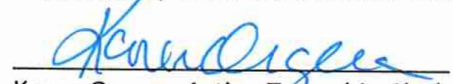
Karen Orgera, Acting Township Clerk

TOWNSHIP OF MENDHAM,
IN THE COUNTY OF MORRIS



Nick Monaghan, Mayor

CERTIFICATION I, Karen Orgera, Acting Township Clerk of the Township of Mendham, do hereby certify the foregoing to be a true copy of the Ordinance adopted by the Township Committee of the Township of Mendham at a duly noticed regular meeting held on November 13, 2023, after a public hearing was held and all interested persons were given an opportunity to be heard on this Ordinance.



Karen Orgera, Acting Township Clerk

ORDINANCE NO. 11-2023
AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM,
MORRIS COUNTY, NEW JERSEY
ADDING A TEMPORARY AMENDMENT TO CHAPTER 10-45 "OPEN SPACE TRUST COMMITTEE"

WHEREAS, the Township of Mendham had implemented a policy and funding mechanism with the purpose of acquiring many acres of Open Space land dedicated and restricted to public use and recreation; and

WHEREAS, pursuant to that policy the Township has in whole or in part acquired or secured deed restrictions of hundreds of acres of land restricted to open space and or recreational uses; and

WHEREAS, many of these lands are used and traversed by walking trails, have parking areas and other public amenities; and

WHEREAS, a significant portion of these lands are heavily forested with many species of trees, including Ash trees, and

WHEREAS, an invasive insect known as the Emerald Ash Borer has infested virtually every Ash tree in the State of New Jersey; and

WHEREAS, this infestation results in the death of the infected tree which begins to drop branches and ultimately to fall, and

WHEREAS, the safety of the public requires intervention by the Township to, to the extent possible remove or fell those trees having a possible impact on public safety, and

WHEREAS, the cost of addressing hundreds of these trees is beyond the constraints of the regular municipal budget, and

WHEREAS there is a funding mechanism within Chapter 10-45 which provides for the separate funding of the "Municipal Open Space, recreation and Farmland and Historic Preservation Trust Fund", the "Open Space Trust Fund", and

WHEREAS, the trust Fund is required to be used for the acquisition of lands, easements, and development rights for recreation and conservation purposes, together with the payment of debt service incurred for those purposes, and

WHEREAS, in the interest of public safety and so as to prevent the necessity of closing off access to these open space lands, the Township Committee has deemed necessary and advisable to allow the Open Space Trust Fund to be used for the purpose of removing the dead or dying Ash or other trees that could impact the public welfare.

NOW, THEREFORE, BE IT HERBY ORDAINED by the Township Committee of the Township of Mendham that Chapter 10-45 be temporarily amended as set forth herein.