

**TOWNSHIP OF CHESTERFIELD
ORDINANCE 2010-16**

**AN ORDINANCE OF THE TOWNSHIP OF CHESTERFIELD AMENDING SECTION
130-115 OF THE CODE OF THE TOWNSHIP OF CHESTERFIELD ENTITLED
“GUARANTIES AND INSPECTIONS”**

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

Section 1. Section 130-115 of the Code of the Township of Chesterfield entitled “Guaranties and Inspections” is amended and supplemented to add new Subsections K and L [§ 130-115 K and L] as follows:

- K. Special guaranty provisions pertaining to trees, shrubbery and vegetation. Any trees, shrubbery and vegetation that dies and must be replaced during the performance and maintenance guaranty period(s), shall be replaced with trees, shrubbery and vegetation that have the same size, height, mass, circumference and caliper as the dead materials being replaced to ensure that the replacement materials enjoy the expected maturity which the trees, shrubbery and vegetation being replaced would have enjoyed at the time of replacement had they not died, up to a maximum of 3.5” – 4” caliper.

- L. Shade trees on lands to be dedicated to the Township. Whenever a developer installs shade trees on land that is intended to be dedicated to the Township (such as the grass strip between sidewalks and streets), under circumstances where the Township will be required to replace said trees if they die after the maintenance guaranty is released, thereby necessitating the expenditure of municipal funds, the developer and/or property owner dedicating the property shall post with the Township sufficient funds that will defray the estimated cost of shade tree replacement for a period of ten (10) years. The Township Engineer shall calculate and establish the amount of the payment and payment must be made as a condition to the release of the performance guarantee. Said ten (10) year period will commence at the expiration of the maintenance guaranty. Any dispute over the Engineer’s calculation is subject to appeal and review by the Township Committee before the performance guaranty is released.

Section 2. All ordinances or parts of ordinances that are inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

Section 3. If any section, subsection, provision, clause, phrase or portion of this ordinance is for any reason held 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 sections or subsections hereof.

Section 4. The ordinance shall take effect upon final passage and publication according to law and forwarding of same to the Burlington County Planning Board in accordance with N.J.S.A. 40:55D-16.

CHESTERFIELD TOWNSHIP COMMITTEE

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Introduced: October 28, 2010  
Adopted: