

**TOWN OF WESTFIELD
GENERAL ORDINANCE NO. 2020
AN ORDINANCE AMENDING CHAPTER 29 OF THE TOWN CODE OF THE
TOWN OF WESTFIELD ENTITLED “TREES, SHRUBS, WEEDS AND OTHER
PLANT GROWTH**

CHAPTER 29.

TREES, SHRUBS, WEEDS AND OTHER PLANT GROWTH.¹

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Article I. In General.

Sec. 29-1. Cutting down, destruction, etc., of trees on streets.

No person shall, without permission of the town engineer, cut down, destroy or in any manner injure any tree in any public right-of-way, unless by direction of the town engineer for the purpose of regulating or improving such public right-of-way. (1932 Revision, title 4, ch. 1, § 14.)

¹ As to posting of bills, etc., on trees, see § 3-1 of this Code. As to prohibition against signs on trees, see § 3-7. As to damaging trees, etc., in parks, see § 16-2. As to attaching guy wires, etc. to trees, see § 17-2.

Sec. 29-2. Trimming branches of trees hanging over sidewalks or streets.

All trees standing along or upon private property near any public street of the town, the branches of which extend over the streets or sidewalks, shall be trimmed under supervision of the town engineer so as to prevent impediment to travel or obstruction to street lights, street signs, or appurtenances used by the town. (1932 Revision, title 4, ch. 1, § 15.)

**Article II. Removal, Trimming, etc., of Hedges,
Shrubs, Weeds, and Other Obnoxious Growths, Generally.**

Sec. 29-3. Notice to owner or tenant to remove or trim weeds, grass, shrubs, etc., to be given by chief of police or health officer.

Whenever the chief of police or the health officer of the town shall determine that there exists upon any lands abutting upon any public lands or public rights-of-way of the town, grass, weeds, hedges, shrubs, brush, low hanging branches or other impediments that are a hindrance to or obstruct the view from such public lands or public rights-of-way to the interior of the abutting lot, the removal or trimming of which may be necessary and expedient for the public health, safety, morals or general welfare, he shall notify the owner and any tenant of such lands to remove, trim or cut down such obstructions within ten days after receipt of such notice. (G.O. No. 849, § 1.)

Sec. 29-4. Preparation of notice; contents of same.

The notice provided for in the preceding section shall be prepared by the chief of police or the health officer, in cooperation with the town engineer, shall be signed by the police chief or the health officer and shall identify the lands abutting on the public highway, street or sidewalk, and shall contain a statement relating in detail and identifying such grass, weeds, hedges, shrubs, brush, low hanging branches or other impediments that are directed to be removed. Such notice shall also contain a statement that the violation of this article is punishable by fine. (G.O. No. 849, § 2.)

Sec. 29-5. Service of notice.

The notice provided for in this article may be served upon the owner or tenant, resident of the town, in person or by leaving the same at their home or place of residence with a member of their family above the age of fourteen years. In case any such owner shall not reside in the town, such notice may be served upon him personally within this state or mailed to his last-known post office address, or it may be served upon the occupant of the property or upon an agent in charge thereof. In case the owner of any such property is unknown or service cannot for any reason be made as above directed, notice thereof shall be published at least once in the official newspaper of the town and a copy of such notice shall be posted in a conspicuous place upon the premises. In all cases

where premises are occupied by a tenant, service upon the tenant as agent of the owner shall be sufficient if the owner does not reside within the town. (G.O. No. 849, § 3.)

Sec. 29-6. Complaints to be made and signed by chief of police or health officer.

Any complaint for the violation of this article shall be made and signed by either the chief of police or the health officer of the town. (G.O. No. 849, § 4.)

Article III. Trimming, etc., of Hedges and Other Plants Growing Adjacent to the Roadway or at Intersections and the Elimination of Other Obstructions to the Vision of Persons Using Roadways.²

Sec. 29-7. Prohibited conduct – Plant growth.

It shall be unlawful for any owner or tenant of property to suffer, permit or cause any grass, brush, hedges, shrubs, trees or other plant life to grow adjacent to any roadway within the town or adjacent to the intersection of any two roadways so as to create a traffic hazard by obstructing the view of persons using such roadways or intersections. The owner or tenant of abutting property shall be responsible for any such obstruction to vision caused by plant growth located in the area between the street property line of such property and the street or roadway itself. (G.O. No. 1287, § I.)

Sec. 29-8. Prohibited conduct – Other objects or things.

It shall be unlawful for any owner or tenant of lands to suffer, permit, or cause any other object or thing, such as but not limited to flags, structures, fences, parked automobiles, etc. to exist, be located or remain adjacent to any roadway within the Town of Westfield or adjacent to the intersection of any two roadways so as to create a traffic hazard by obstructing the view of persons using such roadways or intersections. The owner or tenant of abutting property shall be responsible for any such obstructions to vision caused by objects or things located in the area between the street property line of such property and the street or roadway itself. (G.O. No. 1287, § I.)

Sec. 29-9. Definition of a traffic hazard caused by obstruction to vision.

Such traffic hazard shall be presumed to exist at an intersection if there is any such plant growth or any object or thing located in the triangular area described below which is more than twenty-four inches in height as measured from the top for the curb on streets with curbs or more than thirty inches in height as measured from the street or shoulder itself where there is no curb. The triangular area shall begin at the intersection of the curb line of any two intersecting streets, projected to form a point, and shall be formed by connecting the ends of a line extending away from such beginning point 80 feet along the curb line of one such intersecting street, and a line extending away from such beginning point fifteen feet along the curb line of the other intersecting street with a straight line. This sight triangle shall be established on both the left and right sides of the intersection

² For state law authorizing town to require trimming of brush, hedges, etc., near street intersections, etc., see R.S., §§ 40:48-2.26, 40:48-2.27.

in order to allow a clear and unobstructed view in either direction. On streets where no curb exists, the curb line shall be deemed to be located where the shoulder of the roadway consisting of gravel or macadam abuts grass or other vegetation.

Such hazard shall also exist at other locations not involving intersections or at intersections involving unusual angles or lines of sight when the traffic safety officer determines, after inspection of the site, that there is an obstruction to the vision of persons using the roadway because of plant growth or other objects which does not permit the operator of an approaching motor vehicle or bicycle to observe other persons or vehicles using the roadway ahead or on intersecting roadways at a sufficient distance to avoid accidents. (G.O. No. 1287, § I.)

Sec. 29-10. Exception for trees.

Notwithstanding anything in this article to the contrary, trees of any size located in the area described above shall not be considered to be obstructions to vision if the following tests are satisfied:

(a) The tree is free of branches for a height of six feet above ground level and has no branches above that line that droop to within six feet of ground level.

(b) No two such trees are closer than twenty feet to each other.

(G.O. No. 1287, § I.)

Sec. 29-11. Enforcement of article.

The traffic safety officer of the police department, as designated by the chief of police of the town or any other police officer of the town is hereby designated, appointed and directed to enforce this article in the manner provided in this article. The town engineer shall report any conditions which he believes constitutes such safety hazard to the traffic safety officer for further action. (G.O. No. 1287, § I.)

Sec. 29-12. Notice by traffic safety officer or other police officer to trim hedges, etc., or remove obstruction to be given to owner or tenant.

If the traffic safety officer or other police officer shall determine at any time that any grass, brush, hedges, or other plant life growing adjacent to any roadway or adjacent to the intersection of any two roadways or that fences, other objects or things adjacent to any roadway or adjacent to the intersection of any two roadways obstructs the view of persons using such roadway or intersection so as to create a traffic hazard as defined herein, he shall notify the owner or tenant of the property on which the same is growing or which abuts when the obstruction exists between the property line and the street roadway, to cut or trim the same to a height of not more than twenty-four inches above the top of the curb on streets with curbs or a height of not more than thirty inches above the street or shoulder on streets that do not have curbs, or to remove same if not plant growth, or to take remedial action in such other manner as he may designate as necessary to eliminate such hazard and to afford a clean and unobstructed view on such roadway or at such intersection. Such notice shall be in writing; shall clearly describe the plant growth; object or thing deemed to be an obstruction to vision; shall describe the remedial

measures which are required, the time for accomplishing such work, and the penalties for failure to do so; shall include a copy of this ordinance; and shall be served personally by the police department upon the owner, tenant or a member of the household fourteen years of age or older. (G.O. No. 1287, § 1.)

Sec. 29-13. Time to do such work.

The owner or tenant so notified as provided in the preceding section shall have a period of ten days to comply with such order. Such period shall commence from the date of service of such notice. (G.O. No. 1287, § 1.)

Sec. 29-14. Enforcement of ordinance.

If the owner or tenant so notified fails to take the remedial action ordered, said traffic safety officer or other police officer shall file a complaint in municipal court against said owner or tenant charging a violation of this article. The owner or tenant so charged shall have the right to challenge the determination of the traffic safety officer or police officer that a traffic safety hazard exists at the hearing before the municipal court pursuant to such complaint and the court shall decide such issue. Any person found to be in violation of this article by the municipal court shall be subject to a fine of not more than one hundred dollars. Each day that a person permits such condition to continue after being found guilty of violation of this article shall constitute an additional separate offense. (G.O. No. 1287, § I.)

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