

**BOROUGH OF OLD TAPPAN
ORDINANCE 1267-24**

AN ORDINANCE TO REPEAL AND REPLACE CHAPTER 234 OF THE CODE OF THE BOROUGH OF OLD TAPPAN ENTITLED “TREES”

BE IT ORDAINED by the Mayor and Council of the Borough of Old Tappan, County of Bergen and State of New Jersey, as follows:

Section 1. Chapter 234 of the Code of the Borough of Old Tappan, titled “Trees” is hereby repealed and replaced by the following:

**Chapter 234 Trees
Article I. Shade Trees**

§ 234-1. Permit required for certain acts.

No person shall do or cause to be done by others, either purposely, carelessly, or negligently, without the written permission of the Mayor and Council or its designee, any of the following acts on any of the public highways and parks of the Borough:

- A. Cut, prune, break, climb with spikes, injure, or remove any tree, shrub, or plant; cut, unduly disturb or interfere in any way with any root of a tree, shrub, or plant.
- B. Spray any tree, shrub or plant with any chemical.
- C. Fasten any rope, wire, sign, or other device to a tree or shrub or to any guard about the tree or shrub.
- D. Install, remove, or injure any guard or device placed to protect any tree or shrub.
- E. Place, maintain or cause to be placed or maintained upon the ground any stone, cement or other sidewalk or other substance, which shall close or obstruct any open space provided about the base of a tree or shrub or impede the free access of air, water, and fertilizer to the roots of any tree or shrub.

§ 234-2. Wire, cable, and electric current.

- A. Wires through public parks. No person shall string any wire or wires through a public park or other public land without the written permission of the Mayor and Council or its designee.
- B. Safeguards for wires required. Every person having or maintaining any electric, telephone, telegraph or other wires running through a public highway or park shall securely fasten and maintain the wires in such manner as will safeguard the trees and shrubs against any damage therefrom and shall make periodical adjustments whenever necessary to prevent damage to trees and shrubs growing in any public highway or park.
- C. Wire insulators. No person shall, without the written permission of the Mayor and Council or its designee, attach or fasten any wire, insulator, or other device for holding any wire, to any tree or shrub in any public highway or park.
- D. Pruning or removal of trees. When necessary to prune or remove any tree in a public highway, any person having a wire or wires running through the public highway shall temporarily remove the wire or wires within 24 hours after the service on the owner of the wire, or his agent, of a written notice from the Mayor and Council or its designee.

- E. Exception. The requirements of this section shall not apply to any person having such wire or wires who shall perform pruning or tree removal work when authorized by or requested by the Mayor and Council or its designee.

§ 234-3. Regulation of trees and shrubs.

- A. Approval by Mayor and Council required. No shade or ornamental tree or shrub shall be planted in any public highway or park until the tree or shrub shall have first been approved and then placed where it is to be planted by the Mayor and Council or its designee, and a permit granted therefore.
- B. Obstruction through planting prohibited. No person shall, through planting of trees, shrubs, or plant life, obstruct the sight distance on any street intersection.
 - (1) Whenever necessary and expedient for the preservation of the public safety, the person in possession of the property as owner or tenant shall, upon notification by the Mayor and Council or its designee, trim and cut all bushes, hedges, and plant life (except shade trees) to a height of not more than 2 1/2 feet or to remove same if it is located:
 - (a) Within the road right-of-way.
 - (b) Within the triangular area formed by the intersecting street lines and a straight line joining the street lines at points which are 30 feet distant from the point of intersection, measured along the street lines.
 - (2) It shall be the responsibility of the tenant or owner of property to maintain all shade or ornamental trees, hedges, or shrubs growing on private property so that the lowest branches overhanging a sidewalk area are at a height to permit pedestrians to walk freely without interference.
- C. Clearing of vacant lots. Vacant lots within a developed area must be kept free from weeds and trash. The Mayor and Council, or its designee, may request any or certain lots to be mowed twice a year and upon such request shall be required within a reasonable time thereafter.
- D. Removal of hazard trees. The Mayor and Council, or its designee, shall give reasonable notice to remove or cause the removal of a tree, or part of a tree, dangerous to public safety, unless public safety requires immediate removal, in which case no notice shall be necessary.
- E. Failure to comply with notice. Upon failure of any owner or tenant to comply with the terms of a notice issued in accordance with Subsection C or D hereinabove, the Mayor and Council, or its designee, shall cause such vacant lot to be mowed or such tree, or part of a tree, to be removed. The costs of such work shall be certified to the Mayor and Council which shall examine the certificate and, if found correct, shall cause the costs to be assessed against the lands and premises to be added to and become and form part of the taxes next assessed and levied upon such land, the same to bear interest at the same rate as taxes, and be collected in the same manner as taxes.
- F. Construction requirements.
 - (1) In the erection, altering, or repairing of any building or structure, the owner or contractor thereof shall place guards around all nearby trees within a one-hundred-foot radius of public highway or parks or public land which will effectually prevent injury to such trees.
 - (2) Construction equipment and all other implements, machines, and tools shall be used or operated in such a manner as not to damage or destroy any tree, shrub or plant in any public highway or park or public land or subdivision.
- G. Chemical damage.
 - (1) No person shall place salt, brine, oil or any other substance injurious to plant growth in any public highway or park in such a manner as to injure any tree or shrub growing thereon.
 - (2) No person shall build any fire or station, any tar kettle, road roller or other engine in any public highway in such a manner that the heat, vapors or fumes therefrom may injure any tree or shrub growing thereon.

- H. Borough maintains certain shade trees. The Borough shall be responsible for maintaining trees within the public right-of-way when such trees are Borough trees. "Borough trees" for purposes of this article shall be defined as trees within the public right-of-way which have been planted by the Borough or approved by the Borough in connection with a development application. Trees, shrubs, or other plant life within the public right-of-way, which are not Borough trees, shall be maintained by and shall be the responsibility of the property owner.

§ 234-4. Subdivision requirements.

- A. Environmental Commission report required prior to final approval: Before final approval of a subdivision by the Planning Board, the subdivider or developer must have a report by the Environmental Commission, which shall include, without limitation, recommendations for the posting of bonds for the trees to be saved as recommended by the Environmental Commission.
- B. Planting requirements:
- (1) On all subdivisions the developer or builder shall be required to deposit with the Borough a sum sufficient to purchase and plant trees along both sides of the road right-of-way within the planting area, unless, due to natural conditions, the Planning Board deems it desirable to plant otherwise or not at all. The amount of money to be deposited with the Borough shall be determined at the time of such final approval and shall be the actual reasonable cost of such purchase and planting of trees. Trees, when planted along the right-of-way, shall be approximately 50 feet apart.
 - (2) The developer or builder shall furnish to the Environmental Commission two maps of the approved subdivision upon which the Environmental Commission shall make recommendations for the location of all trees to be planted and return one copy to the subdivider.
 - (3) All tree varieties, placement, condition, and quality are subject to inspection by the Environmental Commission. Trees shall be nursery grown stock.
- C. Bond required. A bond or bonds shall be required, covering the preservation of certain trees to be designated by the Planning Board to be left in place, upon recommendation by the Environmental Commission.
- D. Shade tree specifications: The following specifications shall apply to all trees planted within the Borough:
- (1) Shade trees shall be not less than 1 3/4 inches caliper, 12 inches from ground level, and not less than eight to 10 feet high.
 - (2) In general, all trees planted in the planting area shall be planted nine feet from the curblin.
 - (3) The approved varieties of trees shall be the following: sugar maple, pin oaks, oak varieties, linden, zelkova, thornless, honey locust, or any other variety as may be deemed appropriate by the Mayor and Council upon recommendation by the DPW Superintendent. In large developments it is advisable to use two varieties of trees, alternating them, so that, should a disease strike a variety, all trees on a street would not succumb. If desirable, neighboring streets may differ in variety used.
 - (4) Planting soil in the excavation shall be composed of one-third peat, one-third humus, one-third parent soil to which shall be added and mixed two pounds of raw bonemeal.
 - (5) Backfill of the entire excavation shall be graded to a depth of two inches below grade.
 - (6) Each tree shall be given ample water at the time of planting.
 - (7) All trees shall be staked. Stakes of red or white cedar shall be eight feet long and not less than two inches in diameter at the top. Stakes shall be driven into the ground to a depth of two feet before backfilling. Trees shall be guyed to the stakes by means of wire and rubber hose or its equivalent and shall be fastened in such a manner that the tree trunk shall not come in direct contact with the wire.
 - (8) All planting debris shall be removed so that the property is left in a neat, orderly condition.

§ 234-5. Interference with Environmental Commission.

No person shall prevent, delay, or in any manner interfere with the Environmental Commission or its authorized agents in the performance of their lawful duties.

§ 234-6. Violations and penalties.

Any person, applicant, developer, or owner who violates any provision of this article shall be liable for a fine not to exceed \$1,000 or imprisonment for a term not in excess of 90 days, or both. Each and every violation hereof shall constitute a separate offense for which a fine or other penalty may be imposed.

Article II. Tree Preservation and Removal

§ 234-7. Findings.

The Mayor and Council of the Borough of Old Tappan hereby finds and determines as follows:

- A. There is a direct relationship between the preservation of and planting of trees in populated areas, and the health, safety, and welfare of residents.
- B. Trees are related to natural, scenic, and aesthetic values and promote a desirable visual environment which the Borough desires to protect.
- C. Trees reduce noise, produce oxygen, and reduce carbon dioxide gases in the air, help to improve air quality, provide wildlife and bird habitat and otherwise create a pleasant atmosphere in the Borough.
- D. Trees stabilize the soil and help to reduce water and wind erosion, thereby reducing water pollution.
- E. Trees also yield advantageous climatic effects through shade and transpiration, thereby reducing human energy consumption.
- F. The preservation of trees promotes the retention of valuable natural resources in the Borough.
- G. The destructive and indiscriminate removal of trees causes increased Borough costs for control of stormwater runoff, impairs the benefits of occupancy of existing residential properties, impairs the stability and value of both improved and unimproved real property in the area of destruction, and adversely affects the health, safety, and general welfare of residents of the Borough.
- H. In order to provide protection for trees against destructive practices and indiscriminate and excessive removal practices, this article establishes minimum standards for the protection of and preservation of trees within the Borough.

§ 234-8. Definitions.

As used in this article, the following terms shall have the following meanings:

APPLICANT: The owner or lessee of real property or duly authorized agent.

CRITICAL ROOT RADIUS (CRR): the zone around the base of a tree where the majority of the root system is found. This zone is calculated by multiplying the diameter at breast height (DBH) of the tree by 1.5 feet. For example: a tree with a 6" DBH would have a CRR = 6"x1.5' = 9'.

DIAMETER AT POINT OF MEASUREMENT (DPM): The diameter of the trunk of a mature tree generally measured at a point four and a half feet above ground level from the uphill side of the tree.

DRIPLINE: A line connecting the tips of the outermost branches of a tree projected vertically to the ground.

ENVIRONMENTAL COMMISSION: The Environmental Commission of the Borough of Old Tappan established pursuant to N.J.S.A. 40:56A-1 et seq. and with the powers provided by N.J.S.A. 40:55D-27.

HABITAT: The natural growing characteristics of any tree, which include branch spread and distribution, dripline, branch height above ground and root spread and distribution.

HAZARD TREE: A tree or limbs thereof that meet one or more of the criteria below. Trees that do not meet any of the criteria below and are proposed to be removed solely for development purposes are not hazard trees.

1. Has an infectious disease or insect infestation;
2. Is dead or dying;
3. Obstructs the view of traffic signs or the free passage of pedestrians or vehicles, where pruning attempts have not been effective;
4. Is causing obvious damage to structures (such as building foundations, sidewalks, etc.); or
5. Is determined to be a threat to public health, safety, and/or welfare by a certified arborist or LTE.

LANDSCAPE BUFFER AREA: An area adjacent to any side yard or rear yard of the lot. The width of the buffer for each side yard shall be ten feet and the width of the buffer for the rear yard shall be fifteen feet measured to the center of the tree.

MINOR TREE REMOVAL: removing four (4) or less trees from a single lot.

MAJOR TREE REMOVAL: removing five (5) or more trees from a single lot.

PERSON: Any individual, firm, partnership, corporation, association, public utility or organization of any kind, or agent thereof.

PRIVATE REAL PROPERTY: All improved and unimproved privately owned real property within the Borough of Old Tappan. Land owned by the Borough of Old Tappan, the County of Bergen, or the State of New Jersey is excluded.

PUBLIC TREE: A tree located on public property owned by the Borough of Old Tappan, the County of Bergen or the State of New Jersey.

REGULATED TREE: A woody perennial plant which has attained a height of at least 20 feet or a DPM of at least six inches prior to any pruning, limb removal, topping, or other such activity.

SHRUB: A low, usually several-stemmed woody plant.

SUBSTANTIAL ALTERATION: Any cutting, pruning of a tree or the alteration of the habitat of a tree which impairs, destroys or endangers the life of such tree or its natural symmetry.

SUPERINTENDENT: The Superintendent of the Department of Public Works.

TREE: Any living, woody perennial plant and its root system.

TREE CALIPER: the diameter of the trunk of a young tree, measured six (6) inches from the soil line. For young trees whose caliper exceeds four (4) inches, the measurement is taken twelve (12) inches above the soil line.

TREE REMOVAL: to kill or to cause irreparable damage that leads to the decline and/or death of a tree. This includes, but is not limited to, excessive pruning, application of substances that are toxic to the tree, over-mulching or improper mulching, and improper grading and/or soil compaction within the critical root radius around the base of the tree that leads to the decline and/or death of a tree. Removal does not include responsible pruning and maintenance of a tree, or the application of treatments intended to manage invasive species.

§ 234-9. Prohibited acts and activities.

- A. It shall be unlawful for any person to cut, destroy, remove, substantially injure or substantially alter the habitat of any tree located on private real property.
- B. The following activities shall be expressly prohibited with respect to public trees without the prior written permission of the Superintendent of Public Works of the Borough:
 - (1) To cut, prune, break, injure, alter, or remove any public tree; or cut, unduly disturb or interfere in any way with a root of public tree.
 - (2) To spray any public tree with a chemical.
 - (3) To fasten any rope, cable, sign, light or other device to a public tree, except for holiday lighting for no more than an eight-week period during holiday seasons.

- (4) To install, remove or injure any guard or device placed to protect a public tree.
 - (5) To close or obstruct any open spaces provided about the base of a public tree to permit access of air, water or fertilizer to tree roots.
- C. Any person causing damage to a public tree by machines or automobiles shall be liable for damage to the tree. Damage shall be corrected or repaired, or the tree replaced by the Borough, and the person liable shall repay the Borough for the costs of replanting including labor and materials.
 - D. No person shall operate, place, or maintain within the dripline of any public tree any machinery, equipment, heavy object, stone, rocks, cement, soil, or other substance which may harm such public tree by unduly compressing the earth or otherwise impeding the movement of water, air or fertilizer to the roots of such tree.
 - E. Notwithstanding anything to the contrary which may be set forth in Subsection B hereinabove, the Superintendent shall not permit any public tree to be cut, destroyed, or removed unless it is diseased, dead, a danger to public safety or threatens damage to private property, except that any public tree may be cut, destroyed or removed as may be directed by the Mayor and Council – after consultation with the DPW Superintendent.

§ 234-10. Permitted activities with respect to private real property trees.

Notwithstanding the restrictions contained in § 234-9 hereof, the following activities shall be specifically permitted with respect to trees on private real property:

- A. The cutting, pruning, or trimming of trees in a manner which is not harmful to the health of the tree and will not endanger the tree's continued vitality.
- B. The cutting, destruction or removal of trees which are diseased or dead or which endanger public safety or threaten damage to private property.
- C. The cutting or removal of trees in accordance with a landscape plan as part of a subdivision or site plan application approved by the Planning Board or Board of Adjustment in conjunction with subdivision or site plan approval; provided, however, that the cutting or removal of trees shall not commence until all conditions of approval by the Planning Board or Board of Adjustment have been satisfied and an appropriate tree removal permit is issued.
- D. The cutting or removal of a tree as may be necessary to construct any structure or improvements for which a building permit has been issued by the Borough Construction Official, including but not limited to a building permit issued in conjunction with subdivision or site plan approval.
- E. The cutting, removal, or destruction of any tree pursuant to an order or directive of any municipal, state or federal court or any governmental agency.
- F. An applicant shall make every effort to locate the proposed building or structure within a less wooded area of the lot which is proposed for development. Subject to this requirement, the applicant shall be permitted to remove trees within the footprint of the building, plus a ten-foot perimeter, as well as within existing and proposed rights-of-way, without being obligated to replace same as set forth in § 234-15. Notwithstanding the foregoing, a developer or builder shall still be obligated to plant shade trees as required by § 234-4.

§ 234-11. Excluded activities.

- A. The provisions of this article shall not apply to the following:
 - (1) Activities involving shrubs.
 - (2) Activities with respect to trees growing on property being used as a nursery, orchard, or garden center.
- B. For purposes of this section, if tree removal is proposed in connection with an application for development, nursery shall be defined to include land of which at least 80% of the area has been determined by the Borough Assessor to be devoted to horticultural uses for purposes of qualifying the property for farmland assessment for the year prior to the application for development.

§ 234-12. Tree removal permit application procedure.

- A. Notwithstanding anything to the contrary which may be set forth in this § 234-12, prior to the cutting, destroying or removal of any regulated tree situated on private real property within the Borough of Old Tappan the owner or developer of such private real property shall file with the building department an application for a tree removal permit. The Construction Official shall have the authority to waive any and all of the below listed conditions:
- B. An application for a tree removal permit shall include the following information unless waived by the construction official:
 - (1) Name and address of the applicant.
 - (2) Date of the application.
 - (3) Description of the subject property, including lot and block numbers.
 - (4) A specifically described location of the regulated tree or trees proposed for removal.
 - (5) The purpose or reason for the proposed tree cutting or removal.
 - (6) The location of all structures and improvements on the property shown in relation to the proposed trees to be removed, including building foundation, garages, driveways and other paved areas, outbuildings, swimming pools, tennis courts.
 - (7) The tree species, size, quantity, and diameter at a point of measurement (DPM).
 - (8) The proposed date or dates for commencement and completion of the tree removal project.
 - (9) The name and address of the person having express charge, supervision and/or control of the proposed removal of trees.
 - (10) A grant of express, written permission to Borough officials, employees, and consultants, and members of the Environmental Commission to enter upon the property to inspect the trees to be removed and to inspect the tree removal project as the work is in process.
- C. Applicants shall be required to protect from damage all trees which are not to be removed and shall install fencing at least ten feet from the trunks of said trees.
- D. Applications for tree removal permits shall also require the applicant to provide notice to all adjacent property owners, at least 10 days prior to the removal, depicting the tree or trees that are proposed to be removed.

§ 234-13. Application review process for minor or major subdivision or site plan approval.

- A. Any applicant seeking minor subdivision approval, major subdivision approval or site plan approval shall file, together with any and all other applications and plans as may be required by the Land Use Ordinances of the Borough of Old Tappan¹, an application for a permit for removal of regulated trees as hereinabove set forth.
[1] Editor's Note: See Ch. 45, Land Use Procedures; Ch. 218, Subdivision of Land; and Ch. 255, Zoning.
- B. A completed application for regulated tree removal shall be forwarded by the enforcing agent to the Construction Official of the Borough of Old Tappan. The Construction Official shall have a period of 45 days from receipt of a completed application to make a report and recommendation to the Planning Board pursuant to its powers established under N.J.S.A. 40:55D-27.

§ 234-14. Criteria for review of application for minor or major subdivision or site plan approval.

The evaluation of said application by the Planning Board, as well as the report and recommendation of the Environmental Commission, shall be based on the following criteria:

- A. The necessity of the removal of the regulated tree for the project in question in the context of the development proposed.
- B. The condition of the tree with respect to diseases and safety hazards.
- C. The effect of the tree removal on ecological systems.
- D. The aesthetic and environmental character existing at the site of the proposed regulated tree removal with respect to existing vegetation on the property, the immediate vicinity, and the general area.

§ 234-15. Tree replacement plan.

- A. For minor or major subdivision or site plan approval:** As part of its review and approval process, the Planning Board may require the applicant to replace regulated trees where their removal has been permitted in connection with proposed development. Further, the Planning Board may require that the replacement trees have heights of at least eight feet at the time of planting:

As a condition of its approval of a tree removal permit in connection with any development, the Planning Board shall require the owner or applicant to obtain a guarantee in a form satisfactory to the Borough Attorney that will cover the replacement of any replacement trees and plantings for a period of two years from the date of installation. A two-year warranty on new and existing trees will be required for trees within 25 feet of the area of disturbance.

B. Tree Replacement Schedule:

- (1) A deciduous tree shall be replaced by a tree the species of which is identical to the tree being removed or is otherwise referred to in the United States Conservation Service as compatible with the soil type. A coniferous tree shall be replaced by a similar coniferous tree.
 - (a) On a case-by-case basis subject to Environmental Commission and Planning Board review and approval, an applicant may propose a tree replacement plan proposing alternate species of trees. The alternate plan must provide details, rationale, justification and evidence supporting the request to approve the alternate plan to show that said plan promotes the general welfare of the community and that the proposed tree species are compatible with local environs.
 - (2) A tree with a six inch to less than twelve-inch diameter and/or with a twelve-inch to eighteen-inch diameter is to be replaced by one tree with diameter of at least 2 inches.
 - (3) A tree with a diameter of more than 18 inches to 24 inches is to be replaced by two trees with diameters of at least 2 1/2 inches.
 - (4) A tree with a diameter of more than 24 inches to 36 inches is to be replaced by two trees with diameters of at least 2 1/2 inches.
 - (5) A tree with a diameter of more than 36 inches shall be replaced by not less than three trees with diameters of at least 2 1/2 inches.
- C. In the event that the replacement of the required number of trees cannot reasonably be achieved on site, the applicant may request to contribute an amount equal to the cost of the replacement tree, including installation and guarantee (three times the current wholesale value of each unplanted tree), to a fund established by the Borough for the purpose of tree maintenance, tree preservation, tree planting, landscaping, and including the donation of trees to be planted within the Borough.
- D. Any trees approved to be removed will be flagged and numbered according to the Tree Removal Permit.

§ 234-16. Tree Replacement Exemptions:

All persons shall comply with the tree replacement standard outlined above, except in the cases detailed below. Proper justification shall be provided, in writing, to the municipality by all persons claiming an exemption [the municipality shall define what "proper justification" is such as photos or statements from NJ licensed tree expert as per NJ Statute 45:15C-11 or arborist.]:

- A. Residents who remove less than four (4) trees per acre within a five-year period. [The number of trees removed is a rolling count across a five-year period. For example, if 3 trees are removed in July 2023, the 'count' resets to zero in July 2028. However, if 1 tree is removed in July 2023 and another in July of 2025 the first tree will come off the count in July 2028 and the second in July 2030.]
- B. Tree farms in active operation, nurseries, fruit orchards, and garden centers;
- C. Properties used for the practice of silviculture under an approved forest stewardship or woodland management plan that is active and on file with the municipality;
- D. Any trees removed as part of a municipal or state decommissioning plan. This exemption only includes trees planted as part of the construction and predetermined to be removed in the decommissioning plan.

- E. Any trees removed pursuant to a New Jersey Department of Environmental Protection (NJDEP) or U.S. Environmental Protection Agency (EPA) approved environmental clean-up, or NJDEP approved habitat enhancement plan;
- F. Approved game management practices, as recommended by the State of New Jersey Department of Environmental Protection, Division of Fish, Game and Wildlife;
- G. Hazard trees may be removed with no replacement requirement.

§ 234-17. Fees.

In addition to the application fees required for minor subdivision, major subdivision or site plan application, an application for a tree removal permit shall be accompanied by a fee set as follows:

- \$75.00 fee for Minor Tree Removal (If arborist is required for any reason, additional fees may be applied.)
- \$225.00 for Major Tree Removal (includes arborists review up to 5 trees - \$25 per additional tree.)
- \$150 Minor/Major subdivision or site plan approval (additional fees may be required for arborist review.)
- \$75.00 fee for review of any proposed revision or amendment to a previously approved tree removal permit.

§ 234-18. Violations and penalties.

Any person, applicant, developer, or owner who violates any provision of this article shall be liable for a fine not to exceed \$1,000 or imprisonment for a term not in excess of 90 days or both. Each and every violation hereof shall constitute a separate offense for which a fine or other penalty may be imposed.

§ 234-19. Enforcement.

The Borough building inspector/construction code official is designated as the enforcing agent for this article. Such enforcing agent shall deliver to the Environmental Commission copies of all orders enforcing the provisions of this article contemporaneously with the issuance of such orders.

Section 2. If any part of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the Ordinance.

Section 3. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed or amended to the extent of such inconsistency.

Section 4. This Ordinance shall take effect upon final passage and publication according to law.