

Tree Removal-Replacement Ordinance

Chapter 148

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§148-1 Purpose

An ordinance to establish requirements for tree removal and replacement in the Lower Alloways Creek Township to reduce soil erosion and pollutant runoff, promote infiltration of rainwater into the soil, and protect the environment, public health, safety, and welfare.

§148-2 Definitions

For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this ordinance clearly demonstrates a different meaning. When consistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The use of the word "shall" means the requirement is always mandatory and not merely directory.

- A. "Diameter at Breast Height (DBH)" means 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. For species of trees where the main trunk divides below the 4 ½ foot height, the DBH shall be measured at the highest point before any division.

- B. “Hazard Tree” means 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;
 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 the municipal property maintenance/health officer.
- C. “Person” means any individual, resident, corporation, utility, company, partnership, firm, or association.
- D. “Planting strip” means the part of a street right-of-way between the public right-of-way and the portion of the street reserved for vehicular traffic or between the abutting property line and the curb or traveled portion of the street, exclusive of any sidewalk.
- E. “Resident” means an individual who owns a residential property or contractor hired by the individual who owns a residential property where a tree(s) regulated by this ordinance is removed or proposed to be removed.
- F. “Street Tree” means a tree planted in the sidewalk, planting strip, and/or in the public right-of-way adjacent to (or specified distance from) the portion of the street reserved for vehicular traffic. This also includes trees planted in planting strips within the roadway right-of-way, i.e., islands, medians, pedestrian refuges.
- G. “Tree” means a woody perennial plant, typically having a single stem or trunk growing to a considerable height and bearing lateral branches at some distance from the ground.
- H. “Tree removal” means 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, 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.

§148-3 Regulated Activities

Process:

1. Land Use applications for a Grading Plan, Preliminary Major Subdivision, Minor Site Plan or Preliminary Major Site Plan shall include a tree location plan in areas of disturbance. The plan should include the number of trees to be removed and a planting plan with the required tree replacement.

A. Tree Replacement Requirements

1. Any person, who removes ten or more tree(s), as defined as Tree removal, with a DBH of 8” or more per acre, unless otherwise exempt under Section IV, shall be subject to the requirements of the Tree Replacement Requirements Table.
2. An application or permit is not required for the removal or cutting of trees.

The species type and diversity of replacement trees shall be in accordance with Appendix A -

Replacement tree(s) shall:

1. Be replaced in kind with a tree that meets the Tree Replacement Criteria in the table below;
2. Be planted within twelve (12) months of the date of removal of the original tree(s) or at an alternative date specified by the municipality;
3. Be monitored by the applicant for a period of two (2) planting seasons
4. Shall not be planted in temporary containers or pots, as these do not count towards tree replacement requirements.

Tree Replacement Requirements Table:

Category	Tree Removed (DBH)	Tree Replacement Criteria (See Appendix A)
1	DBH of 8” or greater	Replant 1 tree with a minimum tree caliper of 1.5” for exceeding ten (10) trees removed in course of one year

B. Replacement Alternatives:

1. If the municipality determines that some or all required replacement trees cannot be planted on the property where the tree removal activity occurred, then the applicant shall do one of the following:
 - a. Plant replacement trees in a separate area(s) approved by the municipality.
 - b. Pay a fee of \$100.00 for exceeding ten (10) trees removed in course of one year removed. This fee shall be placed into a fund dedicated to tree planting and continued maintenance of trees.

§148-4 Exemptions

All persons shall comply with the tree replacement standard outlined above, except in the cases detailed below.

- A. Residents and homeowners are permissible to cut 10 trees per acre every year before requiring tree replacement.
- 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 fee or replacement requirement.
- H. Trees removed as part of an ongoing active agricultural use needed to support and maintain the agricultural activities.
- I. Agricultural / Farmland is exempt.
- J. Trees under electric wires that pose a hazard.
- K. Trees grown for timbering activities.

§148-5 Enforcement

This ordinance shall be enforced by the Honor System. Lower Alloways Creek Township will notify property owners of the Tree Ordinance and provide the property owners with the tree replacement policy. Lower Alloways Creek Township Public Works Department Staff will conduct spot checks to review exemptions and compliance with the Tree Ordinance.

§148-6 Violations and Penalties

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a warning / summons, community service or fine of \$500.00 as such court in its discretion may impose.

Appendix A

Following is a list of approved replacement trees in the Township of Lower Alloways Creek for trees being removed per Chapter 145, 148-3 The mix, number and location of trees or substitutions shall be reviewed and approved by the Township Engineer. Not all tree species may be appropriate for certain uses, locations, site conditions, and soil types.

<u>Tree Species</u>	<u>Common Name</u>
Acer Rubrum	Red Maple
Acer Negundo	Boxelder
Betula Nigra	River Birch
Carpinus Caroliniana	American Hornbeam
Carya Ovalis	Red Hickory
Cornus Florida	Flowering Dogwood or other dogwoods
Fraxinus Americana	White Ash
Ginkgo Biloba (male)	Ginkgo
Gleditsia triacanthos var. inermis	Honey Locust (Thornless)
Liriodendron Styraciflua	Tuliptree
Nyssa Sylvatica	Blackgum
Populus Grandidentata	Bigtooth Aspen
Quercus Alba	White Oak
Quercus palustris	Pin Oak
Quercus Rubra	Northern Red Oak
Tilia Cordata	Littleleaf Linden
Ulmus Americana	American Elm "Princeton"

The planting procedure and season for planting shall follow recommendations from the NJ Shade Tree Federation , "Trees for NJ Streets".

Following is a list of trees that shall not be planted as replacement trees:

Sweet Gum

Bradford Pear

