

## **ORDINANCE #2024-13**

### **“AN ORDINANCE TO ESTABLISH REQUIRMENTS FOR TREE REMOVAL AND REPLACEMENT IN THE TOWNSHIP OF UPPER PITTSBGROVE”**

#### **SECTION I. Purpose:**

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

#### **SECTION II. 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 Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

- A. Applicant - any person, as defined below, who applies for approval to remove trees regulated under this ordinance.
- B. 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  $CRR = 6'' \times 1.5' = 9'$ .
- C. Diameter at Breast Height (DBH) - 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.
- D. 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, Agriculture land/Structures, etc.); or
  5. Is determined to be a threat to public health, safety, and/or welfare by a certified arborist or LTE
- E. Person – any individual, corporation, company, partnership, firm, association, or political division of this State subject to municipal jurisdiction.
- F. Planting strip - the part of a street right-of-way between the public right-of-way adjacent to the portion of the street reserved for vehicular traffic the abutting property line and the curb or traveled portion of the street, exclusive of any sidewalk.
- G. Resident - an individual who resides on the residential property or contractor hired by the individual who resides on the residential property where a tree(s) regulated by this ordinance is removed or proposed to be removed.
- H. Street Tree - a tree planted in the sidewalk, planting strip, and/or in the public right-of-way adjacent to 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.
- I. Tree - 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.
- J. 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.
- K, 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.

### **SECTION III. Regulated Activities:**

#### **A. Tree Replacement Requirements**

1. Any person who removes one or more street tree(s) with a DBH of 2.5" or more, unless exempt under Section IV, shall be subject to the requirements of the Tree Replacement Requirements Table below.
2. Any person, other than a resident, who removes one or more tree(s) with a DBH of 6" or more per acre, unless exempt under Section IV, shall be subject to the requirements of the Tree Replacement Requirements Table.

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

#### **B. Replacement tree(s) shall:**

1. Be replaced in kind with a tree that has an equal or greater DBH than tree removed **or** meet 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) years to ensure their survival and shall be replaced as needed within twelve (12) months; and
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 2.5" (for street trees) or 6" (for non-street trees) to 12.99"	Replant 1 tree with a minimum tree caliper of 1.5" for each tree removed
2	DBH of 13" to 22.99"	Replant 2 trees with minimum tree calipers of 1.5" for each tree removed
3	DBH of 23" to 32.99"	Replant 3 trees with minimum tree calipers of 1.5" for each tree removed
4	DBH of 33" or greater	Replant 4 trees with minimum tree calipers of 1.5" for each tree removed

**C. 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 (\$5.00) per tree removed. This fee shall be placed into a fund dedicated continued maintenance of the trees at Township owned open space.

**SECTION IV. Exemptions:**

All persons shall comply with the tree replacement standard outlined above, except in the cases detailed below. Proper justification including pictures shall be provided, in writing, to the municipality by all persons claiming an exemption.

- A. Residents who remove less than four (4) trees per acre that fall into category 1, 2, or 3 of the Tree Replacement Requirements Table within a five-year period. [The number of trees removed is a rolling count across a five-year period. For example, if 3 trees from category 1 are removed in July 2023, the 'count' resets to zero in July 2028. However, if 1 tree from category 1 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 and/or land used for Agriculture purposes;
- 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. Farm managed wood lots over ten (10) acres.

#### **SECTION V. Enforcement:**

This ordinance shall be enforced by the Zoning Official of the Township of Upper Pittsgrove during the course of ordinary enforcement duties.

#### **SECTION VI. Violations and Penalties:**

Any person(s) who is found to be in violation of the provisions of this ordinance may be subject to a fine of up to one hundred (\$100) per tree, or the cost of planting the required replacement tree if same is determined to be a greater amount. The planting of additional trees may be permitted in

#### **SECTION VII. 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 VIII. 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.

**Dated: April 9, 2024**

**BY: Edward J. Meschi**

**ATTEST: Linda R. Stephens, RMC  
Township Clerk**

NOTICE is hereby given that the foregoing Ordinance was introduced and passed on first reading at a regular meeting of the Township Committee of the Township of Upper Pittsgrove in the County of Salem and State of New Jersey on the 9<sup>th</sup> day of April, 2024 and will be considered for final passage after a public hearing to be held by said Township Committee at Township Hall, Pole Tavern, New Jersey on the 14<sup>th</sup> day of May, 2024 at 7:00P.M.

**Linda R. Stephens, RMC  
Township Clerk**

## **Appendix A**

Approved list of Replacement tree Species and Planting  
Standards for the Township of Pilesgrove.

Tree Species	Planting Season	Planting Procedure (soil type, watering, pruning, staking, wrapping, exposure, depth, mulching, etc)
Accolade Flowering Cherry <i>All Species</i>	Early fall	Regular soil. Dig a hole about two times the size of your pot and the same depth as the root ball.
Amur Maple	Spring or Fall	Adaptable to a variety of soils, except alkaline or poorly-drained soils. Soil pH - 4.5 to 7.5. Subject to chlorosis on alkaline soils.
Crape Myrtle	Early Spring	Full sun and well-drained loamy, clay soil.
Dogwood	Spring	When the soil is moist and before the tree growth begins. Dig a hole that is roughly $\frac{2}{3}$ the depth of the root ball.
Eastern Redbud	Early Spring	Regular Soil. Dig a hole about twice the width and about as deep as the root ball. Place your tree level in the hole.
Gray Birch	Spring or Fall	Avoid growing birch trees in hot, dry locations. Select a planting site that has shaded soil in the afternoon.
Holly, <i>Ilex opaca</i> <i>All Species</i>	Spring or Fall	To plant a new shrub, dig a hole approximately two or three times the size of the plant's root ball, but not quite as deep. Although American holly tolerates a wide range of soils, it does not accept alkaline conditions or dense, poorly drained soil. But if you have a well-drained soil that you can acidify, this plant will do marvelously in most sunny or part shade locations.
Ivory Silk Tree Lilac	Spring	Regular soil. Dig a hole that is roughly $\frac{2}{3}$ the depth of the root ball.

Juglans, all species (walnut)	Mid-December to Mid-January	Regular topsoil & sand mix. Plant immediately or keep moist in sand or sawdust outside until it's planted.
Kalopanax Pictus (caster aralia)	Early Spring	Best in deep, moist, fertile, well-drained <b>soils in full sun</b>
Liquidambar Styraciflua (sweet gum).	Spring	Best growth rates are obtained on alluvial swamp sites and on imperfectly and poorly drained soils having a high clay content.
Maclura Pomifera (osage orange).	Spring & Fall	A full sun <b>to</b> part shade lover, this <b>plant</b> is easily <b>grown</b> in average, dry <b>to</b> medium, well-drained soils.
Oaks – <i>All species</i> White, Post, Black, Spanish, Scrub, Pin, Red, Willow, ect.	Fall –Dec. or Feb.	Red oak grows about twice as fast as white oak, but are a bit less tolerant of soil moisture variations. Fast growing. It is a bit tolerant of shade and can grow under the canopy of older trees.
October Glory Red Maple	Early Spring or Fall	Requires full or partial light, well-drained, moist soil, and occasional pruning
Paperbark Maple	Fall	Prefers full sun to partial shade in moist, well-drained soil. It will grow in a variety of soil types, including sand, loam, or clay and is adaptable to a variety of pH levels
Pitch Pine	Spring	Pitch pine is usually restricted to the less fertile soils-those of shallow depth, or of sandy or gravelly texture. Many of the northern stands are found on sandy outwash plains of glacial origin. The species also occupies sandy and gravelly soils of alluvial and marine origin.
Queen Elizabeth Hedge Maple	Spring or Fall	Regular soil.
Red Cedar, Juniperus virginiana	Spring or Fall	Planted in full sun or partial shade, Eastern Red cedar will easily grow on a variety of soils, including clay, but will not do well on soils kept continually moist. The eastern Red cedar grows in acidic, alkaline, loamy, moist, rich, sandy, silty loam, well drained and clay soils.



Salix, all species (weeping willow)	Fall	Plant in an area with consistently moist soil. Opt for areas with full sun in colder regions or partial shade in warmer regions
Sassafras, sassafras albidum	Fall	Regular soil. Sassafras trees will grow in part shade to part sun and are soil tolerant.
Silver maple	Spring or Fall	On occasions silver maple may occupy low pH (2.2 to 3.3) muck or shallow peat soils (order Histosols), but is not generally found in soils where acidity is below 4.0 (26)
Sugar Maple	Spring or Fall	Very shade tolerant and grows best on well-drained loamy soils with a pH level between 5.5 to 7.3. This species does not grow well on dry, shallow soils and is rarely, if ever, found in swamps

Please visit any of the following sites, which list safe vs. invasive species for additional guidance [Jersey Friendly Yards](#), [the Native Plant Society of NJ](#), or the [Audubon Society](#).

Any tree not listed must be approved by the Township Planner.

