

ORDINANCE O:28-2024

**AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF
MONROE, COUNTY OF GLOUCESTER ESTABLISHING CHAPTER 263 OF THE
CODE OF THE TOWNSHIP OF MONROE ENTITLED
“TREE REMOVAL AND REPLACEMENT”**

WHEREAS, the Township Council of the Township of Monroe has recommended a certain amendment to the Code of the Township of Monroe and has determined that is is in the best interest of the Township to adopt this code.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Monroe that the Code of the Township of Monroe is hereby amended to include the amendment herein.

SECTION I. The Township Code, of the Township of Monroe is hereby amended and supplanted so as to establish Chapter 263, which shall be entitled “Tree Removal and Replacement” and which shall read as follows:

Chapter 263 Tree Removal and Replacement

§ 263-1. Purpose

To establish requirements for tree removal and replacement in the Township of Monroe, Gloucester County, to reduce soil erosion and pollutant runoff, promote infiltration of rainwater into the soil, and protect the environment, public health, safety, and welfare.

§ 263-2. 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.

“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 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.

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“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 Licensed Tree Expert (LTE).

“Person”

Any individual, resident, corporation, utility, company, partnership, firm, or association.

“Planting strip”

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.

“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.

“Street Tree”

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.

“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.

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“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.

§ 263-3. Regulated Activities:

(A) Tree Replacement Requirements

(1) Replacement of trees lost during construction. Where developers and/or property owners find it impossible to retain existing trees in the tree protection zone, or any tree with a diameter of 10 inches or greater, due to cutting, filling or other construction activity, the developers and/or property owners shall replant one inch of a new tree diameter for every three inches of existing tree diameter removed. New trees shall have a minimum diameter of 2 1/2 inches measured at diameter breast height and guaranteed for two growing seasons. Replanting shall be done according to the standards specified by the American Nurseryman's Association. Financial contributions (cash, check, etc.) to the Monroe Township Tree Trust Fund may be substituted in lieu of onsite tree replacement.

(2) A list of permitted buffer area and street trees can be found on the Rutgers Native Tree List, accessible here: FS1140: Incorporating Native Plants in Your Residential Landscape (Rutgers NJAES). Any tree not specifically listed on the Rutgers Native Plant List will need to undergo review and approval by the Environmental Protection Commission in order for a resident to go about planting same.

(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

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occurred, then the developer and/or property owner shall do one of the following:

- (a) Plant replacement trees in a separate area(s) approved by the municipality.**
- (b) Pay a fee of (amount to be set by municipality, as per the table below) per tree removed. This fee shall be placed into a fund dedicated to tree planting and continued maintenance of the trees. This fee must be accompanied by the Monroe Township Tree Removal/Replacement Request Form.**

<u>Number of Trees to be Removed</u>	<u>Fee (Total)</u>
<u>1-5</u>	<u>\$0</u>
<u>6-10</u>	<u>\$100</u>
<u>11-20</u>	<u>\$250</u>
<u>21-50</u>	<u>\$500</u>
<u>51-150</u>	<u>\$1,500</u>
<u>151+</u>	<u>\$1,500, plus \$250 for each additional 100 trees or part thereof</u>

(C) Street Tree Removal:

- (1) Any tree located on any Township-owned lands may, upon determination by the Office of Zoning Enforcement, be removed as follows:**
 - (a) By and at the expense of the Township when dead or dying; or**
 - (b) By a combination of a public utility(ies) and the Township when endangering any aerial utility(ies), upon determination by the Enforcement Officer and/or upon the Township receiving notice from an appropriate and duly authorized public agency; or**
 - (c) By and at the expense of the Township when endangering any underground utility lateral(s) within the critical root zone of a tree, as determined and/or confirmed by the Enforcement Officer; or**
 - (d) By and at the expense of the adjacent and/or affected property owner when damaging any sidewalk within the Township right-of-way or when endangering an underground utility lateral(s) outside of the tree’s critical root zone;**

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(e) Any tree removed from any Township right-of-way or any Township-owned land by a property owner must receive approval from the Office of Zoning Enforcement prior to removal.

(f) Pay a fee of (amount to be set by municipality, as per the table below) per tree removed.

<u>Number of Trees to be Removed</u>	<u>Fee (Total)</u>
<u>1-5</u>	<u>\$0</u>
<u>6-10</u>	<u>\$100</u>
<u>11-20</u>	<u>\$250</u>
<u>21-50</u>	<u>\$500</u>
<u>51-150</u>	<u>\$1,500</u>
<u>151+</u>	<u>\$1,500, plus \$250 for each additional 100 trees or part thereof</u>

§ 263-4. 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. Proper justification includes, but is not limited to, photographic evidence, or certification from a licensed tree expert or arborist, and/or state agency documentation. The Township shall request specific documentation in order to assess a potential exemption. Documentation may vary on a case-by-case basis:

- (A) Residents who remove less than six (6) trees per acre within a five-year period. Please note that the number of trees removed is a rolling count across a five-year period.
- (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)

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**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) Any tree within 50’ from a residential home.

§ 263-5. Enforcement:

**This ordinance shall be enforced by the Township’s Office of Zoning Enforcement during
the course of ordinary enforcement duties.**

§ 263-6. Violations and Penalties:

**Any person(s) who is found to be in violation of the provisions of this ordinance shall be
subject to a fine of \$100 per tree.**

SECTION II. If any word, phrase, clause, section or provision in this Ordinance shall be found by any Court of competent jurisdiction to be unenforceable, illegal, or unconstitutional, such word phrase, clause, section or provision shall be severable from the balance of the Ordinance and the remainder of the Ordinance shall remain in full force and effect.

SECTION III. This Ordinance shall take effect twenty (20) days after final passage and publication as required by law.

TOWNSHIP OF MONROE

**_____
CNCL. PRES., CHELSEA VALCOURT**

ATTEST:

**_____
Twp. Clerk, Aileen Chiselko, RMC
or Deputy Clerk, Jennifer Harbison, RMC**

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CERTIFICATION OF CLERK

The foregoing Ordinance was introduced at a meeting of the Township Council of the Township of Monroe held on the 8th day of May, 2024, and will be considered for final passage and adoption at a meeting of the Township Council of the Township of Monroe to be held on 22nd day of May, 2024 at the Municipal Building, 125 Virginia Avenue, Williamstown, New Jersey 08094, at which time any person interested therein will be given an opportunity to be heard.

**Twp. Clerk, Aileen Chiselko, RMC
or Deputy Clerk, Jennifer Harbison, RMC**

ROLL CALL VOTE

1st Reading

	AYES	NAYS	ABSTAIN	ABSENT
Cncl. Adams				
Cncl. Fox				
Cncl. Garbowski				
Cncl. Heverly				
Cncl. McKinney				
Cncl. O'Reilly				
Cncl. Pres. Valcourt				
Tally:				

2nd Reading

	AYES	NAYS	ABSTAIN	ABSENT
Cncl. Adams				
Cncl. Fox				
Cncl. Garbowski				
Cncl. Heverly				
Cncl. McKinney				
Cncl. O'Reilly				
Cncl. Pres. Valcourt				
Tally:				

The foregoing ordinance was hereby approved by the Mayor of the Township of Monroe on this _____ day of _____, 2024.

MAYOR GREGORY A. WOLFE