

MONROE TOWNSHIP, MIDDLESEX COUNTY

ORDINANCE NO.: O-4-2024-008

ORDINANCE OF THE MONROE TOWNSHIP COUNCIL
AMENDING CHAPTER 97
OF THE CODE OF THE TOWNSHIP OF MONROE
ENTITLED, "TREE PRESERVATION"

BE IT ORDAINED by the Council of the Township of Monroe, County of Middlesex, State of New Jersey that Chapter 97 of the Code of the Township of Monroe is hereby amended as follows: (new text is in **red and underlined**, text to be deleted is ~~struck~~)

Chapter 97
TREE PRESERVATION

- § 97-1. Findings; purpose.
- § 97-2. Definitions.
- § 97-3. Establishment of Conservation Officer.
- § 97-4. Cutting or removal restricted.
- § 97-5. Tree removal permits.
- § 97-6. Tree Escrow Fund established.
- § 97-7. Replacement trees.
- § 97-8. Criteria for tree removal without replacement trees.
- § 97-9. Enforcement.
- § 97-10. Violations and penalties.
- § 97-11. Appeal.

§ 97-2. Definitions.

The following words and expressions used in this Chapter shall have the following meanings, unless the context clearly indicates a different meaning:

ARBORIST – A professional in the practice of arboriculture, which is the cultivation, management, and study of individual trees, shrubs, vines, and other perennial woody plants in dendrology and horticulture. An arborist is sometimes referred to as a "tree surgeon" or less commonly "arboriculturist and must be licensed as a Tree Expert or Tree Care Operator. [NJ Statute 45:15C-11.]

CRITICAL ROOT ZONE – The minimum volume of roots necessary for the maintenance of tree health and stability.

~~DIAMETER AT POINT OF MEASUREMENT~~ BREAST HEIGHT (DBH) - The diameter of a tree measured four and one-half (4-1/2) feet (forestry method) above the ground level on the downhill side for existing trees. Trees utilized in the replacement of existing trees or proposed as part of a landscape plan, shall be measured twelve (12) inches above ground level for trees over a four (4) inch caliper. The measurement shall be six (6) inches above grade for trees up to four (4) inch caliper (nursery method). Diameter at point of measurement may appear as the abbreviation "DPM." The diameter of the trunk of a tree greater than 4" 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 both stems and when divided above the 4 ½ foot height the measurement is taken as a single stem. When tree forks at 4 ½" measurement is taken at the point representative of the tree true diameter.

HAZARD TREE – Dead, dying, diseased, defective or decayed trees, or trees that obstruct, causing damages to structures or of a public health, safety and welfare as determined by a NJ LTE.

RISK TREE – the likelihood of a conflict and severity of the potential consequences or tree failure occurring and affecting a target – personal injury, property damage, or disruption of activities.

SOLAR – All trees removed for solar installations will be replaced in accordance with §97-7

SPIKES – Arborist spurs or spikes, commonly referred to as "gaffs," "spurs," "hooks," etc., used for the primary means of ascending a tree that was destined for removal or personnel rescue operation.

TOPPING – The practice of removing whole tops of trees or large branches and/or trunks from the tops of trees, leaving stubs or lateral branches that are too small to assume the role of a terminal leader. Other common names for the practice include "hat-racking," "heading," "rounding over," and "tipping." Some species of trees are more likely to recover from topping than others.

TREE REMOVAL – “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, 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.

§ 97-5. Tree removal permits.

A. Permit Required.

- (1) No person shall remove or destroy or cause to be or allow to be removed or destroyed any tree of 2 ½” or greater for street trees or any other tree four (4) inch caliper or larger without first obtaining a tree removal permit unless exempt under this Chapter. Tree removal permits shall be issued by the Conservation Officer.
- (4) ~~Less than four (4) inches in caliper.~~ less than 2 ½” for street trees and 4” for all others.

§ 97-7. Replacement trees.

A. Trees to be Removed	Replacement Trees		
Caliper	# of Trees	Caliper or Dollar Amount	
<u>One tree greater than 2 ½” for street trees, for 4” and up to 8” for others</u>	<u>1</u>	<u>2 — 2 ½”</u>	<u>\$ 300.00</u>
One tree greater than 8" and up to 12”	2	2 - 2 ½”	\$ 480.00 <u>\$ 600.00</u>
One tree greater than 12" and up to 16”	4	3”	\$ 1,680.00 <u>\$ 1,920.00</u>
One tree greater than 16" and up to 20”	5	3”	\$ 2,100.00 <u>\$ 2,400.00</u>
One tree greater than 20" – 24”	6	3 ½ ” – 4”	\$ 2,880.00 <u>\$ 3,000.00</u>
One tree greater than 24 - 28”	7	3 ½ - 4”	\$ 3,360.00 <u>\$ 3,500.00</u>
One tree greater than 28 - 32”	8	4”	\$ 3,840.00 <u>\$ 4,200.00</u>
One tree greater than 32”	10	4”	\$ 4,800.00 <u>\$ 5,250.00</u>

F. Trees shall be monitored by the applicant for a period of 2 years and be replaced within 1 year from the verified date of decline.

§ 97-8. Criteria for tree removal without replacement trees.

A. Existing residential property.

- (1) If the application is on behalf of an existing homeowners association or a developed property not exempt from the provisions of this Chapter, and the total number of trees, other than Specimen Trees, to be removed or destroyed on the property or open space area in question which is the subject of the application is ~~ten (10) or less, the permit shall be issued without replacement trees required.~~ 4 or less per acre over a 5 year period, the applicant must submit justification by a NJ LTE as per 45:15C – 11.
- (2) ~~Within any one (1) year period, permits may be used for removal of a total of no more than ten (10) trees on the same property without replacement trees being required.~~
Hazard trees may be removed with no fee or replacement requirement as verified by a NJ LTE.

§ 97-9. Property Maintenance. Public areas.

- A. All sidewalks, steps, driveways, parking spaces and similar paved areas for or used by the public shall be kept in a proper state of repair free of all snow, ice, mud, overhanging trees and shrubs which obstruct walkways, and other debris, and shall be maintained free of hazardous conditions. It shall be the owner's responsibility to maintain such areas, except that the occupant shall remain responsible for such areas bordering or on the premises of any single-family dwelling, including mitigation of dead, dying, diseased, defective or decaying trees. If any sidewalk driveway or portion thereof, by virtue of its state of repair shall constitute a danger to the public health and safety, the sidewalk driveway or portion thereof shall be replaced.

§ 97-9. § 97-10. Enforcement.

§ 97-10. § 97-11. Violations and Penalties.

Section 2. If any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the Courts to be invalid, such adjudication shall only apply to the section, paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective.

Section 3. All ordinances or parts of ordinances inconsistent herewith shall be and the same are hereby repealed.

Section 4. This Ordinance shall take effect upon passage and publication in accordance with applicable law.

SO ORDAINED as aforesaid.

MIRIAM COHEN, Council President

RECORDED VOTE – INTRODUCTION – April 1, 2024						
COUNCIL	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Councilman Dipierro	X		X			
Councilman Markel		X	X			
Councilwoman Siegel			X			
Council V. President Van Dzura			X			
Council President Cohen			X			

NOTICE

Notice is hereby given that the foregoing Ordinance was introduced and passed on first reading at a meeting of the Monroe Township Council held on April 4, 2024. Said Ordinance will again be read and considered for final passage at the next scheduled meeting of the Monroe Township Council to be held on May 6, 2024 at 6:30 p.m. at the Monroe Township Municipal Building, 1 Municipal Plaza, Monroe Township, New Jersey 08831. At said time and place all persons having an interest in the foregoing Ordinance will be granted an opportunity to be heard concerning the same prior to consideration for final passage by the Council.

CHRISTINE ROBBINS, Township Clerk

RECORDED VOTE – INTRODUCTION – May 6, 2024						
COUNCIL	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Councilman Dipierro						
Councilman Markel						
Councilwoman Siegel						
Council V. President Van Dzura						
Council President Cohen						

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**ORDINANCE OF THE MONROE TOWNSHIP
COUNCIL AMENDING CHAPTER 97, “TREE PRESERVATION”**

MAYORAL APPROVAL

By virtue of the Optional Municipal Charter Law of 1950 and Chapter 3, Section 19 of the Code of the Township of Monroe, my approval of this Ordinance is effected by the affixing of my signature hereto.

STEPHEN DALINA, Mayor

Date signed: _____