

**ORDINANCE OF THE TOWNSHIP OF WOOLWICH, COUNTY OF
GLOUCESTER, STATE OF NEW JERSEY, AMENDING CHAPTER 177 OF
THE CODE OF THE TOWNSHIP OF WOOLWICH ENTITLED “TREES”
2019-18**

WHEREAS, the Township Committee has deemed it necessary and prudent to amend Chapter 177 of the Code of the Township of Woolwich entitled “Trees” to clarify and streamline the process for tree removal within the Township.

A new Chapter 177 is hereby adopted as follows:

REPEALER. Chapter 177 of the Code of the Township of Woolwich is hereby repealed in its entirety.

ENACTMENT. A new Chapter 177 is hereby enacted as follows:

177-1 Intent and Purposes:

- A. Indiscriminate, uncontrolled and excess destruction, removal and cutting of trees upon lots and tracts of land within Woolwich Township may cause increased drainage control costs, increased soil erosion and sedimentation, decreased fertility of the soil, degradation of water resources, decreased groundwater recharge, increased buildup of atmospheric carbon dioxide, the establishment of a heat island effect and increased dust and pollution. The singular or cumulative effect of any of the foregoing could adversely impact the character of Woolwich Township, decrease property values, render the land unfit and unsuitable for its most appropriate use and negatively affect the health, safety and general welfare of Woolwich’s residents. Thus, the Township Governing Body desires to regulate and control indiscriminate and excessive cutting of trees within the Township and to require appropriate tree replacement. This environmental regulation is enacted pursuant to N.J.S.A. 40:48-2.

- B. It is recognized that there is a strong interrelationship between the integrity of the Township’s water resources, development on steep slopes, tree removal, soil disturbance, storm water management and the general use of the land resources. Fewer trees throughout the Township also correlates with increased air pollution as trees are an important ecological resource. Therefore, the Governing Body finds that the appropriate management of these resources is an important health, safety and general welfare concern. Managing the Township’s tree resources are consistent with the State-approved Community Forestry Management Plan. The appropriate management guidelines for tree preservation to be utilized are:

1. The American National Standard, ANSI A300 (Part 5) - Management;
 2. Trees and Development: A Technical Guide to Preservation of Trees During Land Development, Nelda Matheny and James R. Clark; and
 3. Protection and Care of the Urban Forest, NJDEP Division of Parks and Forestry.
- C. Trees are declared to be an important cultural, ecological, scenic and economic resource. Proper management of this resource will ensure its maintenance and result in economic returns. A forestry management program is intended to meet the objectives of preserving, protecting, enhancing and maintaining trees and providing opportunities for the continued use of forest resources which are compatible with the maintenance of the environment. This will be accomplished by ensuring proper management of forest and trees through the application of sound management practices. To that end, it shall be unlawful to cut down, damage, poison or in any other manner destroy or cause to be destroyed any trees covered by this Chapter, except in accordance herewith.
- D. The enforcement of this Chapter shall be the duty of the Shade Tree Commission of Woolwich Township and/or its agents, such as the Tree Specialist, through the regulation, planting, care and control of shade, ornamental and evergreen trees and shrubs in the streets, highways, public places of the Township and tree removal on all lands within the Township.
- E. The Township of Woolwich is not responsible for compliance or enforcement of the Freshwater Protection Act, Flood Hazard Area Control Act and associated Transition Areas or Buffer Zones. The actions of the Tree Specialist in granting or denying an application to remove or harvest trees shall not be construed as a confirmation of the presence or absence of freshwater wetlands or transition areas on the site of the proposed activity, or any portion thereof or a confirmation of compliance with the FWPA.
- F. If there is any question whether the site of the proposed activity is located in a Freshwater Wetland, Transition Area, Flood Hazard Area, or other areas regulated by NJAC 7:7A and NJAC 7:13 on a site, the Township of Woolwich strongly recommends that the person proposing to engage in such activity apply for a letter of interpretation (LOI) Line Verification from NJDEP Division of Land Use Regulation (DLURP) confirming the presence, absence and boundaries of such regulated areas. Questions regarding compliance should be referred to NJDEP or lawyer and/or wetlands consultant. Application requirements for a LOI can be found at N.J.A.C. 7:7A-16.3.

177-2 Definitions

DIAMETER BREAST HEIGHT (DBH) - The diameter of a tree measured four and one-half (4 1/2') feet above the ground level.

CALIPER: ANSI Z60 FOR NURSERY STOCK - Caliper is a type of diameter measurement used in the nursery industry. The height measurement shall be taken from ground level for field grown stock and from the soil line for container grown stock, which should be at or near the top of the root flare. Caliper measurement of the trunk shall be taken six inches above the top of root flare up to and including four-inch caliper size. If the caliper at six inches above the ground exceeds four inches (4"), the caliper should be measured at 12 inches above the top of root flare. Seldom are tree trunks perfectly round. The most accurate measurement will result from the use of a diameter tape. Caliper measurements taken with manual or electronic "slot" or "pincer" type caliper tools should be the average of the smallest and largest measurements.

EROSION - The detachment and movement of soil or rock fragments by water, ice, wind and gravity.

EXEMPT AREA - The lot area as provided in this Chapter for which tree replacement shall not be required.

FLOOD HAZARD AREA – Commonly referred to as floodplains and riparian zones, are regulated under the Flood Hazard Area Control Act Rule at N.J.A.C. 7:13. A Flood Hazard Area includes the floodway and the flood fringe area. The flood hazard area includes any land, and any space above that land, which lies below the flood hazard area design flood elevation (DFE), which is equal to the Federal Emergency Management Agency's (FEMA) 100-year floodplain in coastal areas and at least one foot higher than FEMA's floodplain in fluvial (non-coastal) areas. Structures, fill, and vegetation that are situated on land that

lies below the flood hazard area design flood elevation are described as being "in" or "within" the flood hazard area.

FORESTRY MANAGEMENT PLAN - A plan for the management of timbered or forested lands approved by the New Jersey Department of Environmental Protection, New Jersey Forest Service, or similar state or federal agency.

HISTORIC TREE - A tree that has been found to be of notable historic interest to Woolwich Township because of its age, type, size or historic association and which has been so designated and that designation has been officially made and promulgated as part of the official records of the Township and accompanied by a resolution of the Governing Body so designating said tree.

OPEN SPACE - Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use and enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open spaces, provided that such areas may be improved with only those buildings, structures, streets and off-street parking and other improvements that are designated to be incidental to the natural openness of the land.

SELECTIVE LOGGING - the cutting out of certain trees in a stand as defined by specific criteria (species, diameter at breast height, or height and form), that are mature or defective, or of inferior kinds to encourage the growth of the remaining trees in a forest or wood. Selective logging will leave some trees standing, which allows for natural regrowth, less impact on the wildlife, and less ugly patches in the landscape.

SPECIMEN TREE - Shall mean any tree in fair or better condition which is so designated by the Shade Tree Commission based on considerations of whether the tree is a rare species of specimen thereof: is abnormal in height, trunk diameter or drip line circumference for a tree of its species; has foliage of an unusual quality for a tree of its species; occupies a location which confers special shade tree, erosion control, aesthetic, scenic enhancement,

historic, preservation or cultural values to the community. For purposes of this definition, "in fair or better condition" shall mean that a tree has a relatively sound and solid trunk with no evidence of extensive decay or visual evidence of being hollow and with no major insect or pathological problem.

STATE RECORD TREE – Shall mean the largest tree of each species found in New Jersey as listed on the NJ State Big Tree Register.

STEEP SLOPES – Shall mean any slope equal to or greater than 11% percent, as measured over a minimum run of 10 feet. Figure 9 of the Woolwich Township Environmental Resource Inventory, demonstrates how slope is calculated.

STREET TREE - A street tree is any tree that is growing in the Township right-of-way, whether in improved (between the sidewalk and the curb) or unimproved (no sidewalk and/or curb) right-of-way.

TREE - Any deciduous or coniferous species which has a DBH of five inches (5") or greater.

TREE ESCROW FUND - A fund established by the governing body for the administration and promotion of tree and shrubbery resource sustainability projects and practices.

TREE PLANTING PLAN - A specific plan adopted by Woolwich Township for the location and placement of trees on public property.

TREE REMOVAL PERMIT - The permit issued by the Shade Tree Commission or, its designee, to remove or destroy a tree or trees.

TREE REPLACEMENT PLAN - A specific plan for replacement of removed trees in accordance with the provision of this Chapter.

TREE SPECIALIST - The governing body may appoint a Tree Specialist. This individual shall be responsible for the inspection of sites for which applications are filed under this Chapter. This individual will be responsible for the administration and protection requirements of this Chapter and enforcement of the ordinance. This individual shall also have the responsibility of reviewing an approved forest management plan and inspecting the forested site for plan compliance if requested by the tax assessor.

A Tree Specialist is any of the following:

1. A Forester who shall have a bachelor's degree in forestry or arboriculture from a college or university, shall be certified as a Certified Tree Expert by the State of New Jersey and shall have a minimum of three years of experience in planting, care and maintenance of trees.
2. A Conservation Officer who shall be certified as a Certified Tree Expert by the State of New Jersey and shall have a minimum of three years of experience in planting, care and maintenance of trees.
3. In the absence of the above, in-house personnel, specifically the Director of Community Development in conjunction with the Woolwich Township Zoning Officer.

B. The Tree specialist retained from outside of Township administrative personnel shall be paid from the Tree Escrow Fund, which is established herein, and shall be paid in accordance with a fee schedule established by contract with the municipality.

WETLANDS – Are those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, vernal pools and similar areas as regulated by State Statutes and regulations.

177-3 Applicability.

The terms and provisions of this Chapter shall apply as follows:

A. A tree removal permit shall be obtained under the facts and circumstances set forth herein.

B. It shall be unlawful for any person to cut, remove, top, injure, or harvest any trees or forest products within areas defined and regulated as wetlands under the Freshwater Wetlands Protection Act (FWPA). It shall further be unlawful for any person to cut, remove, top, injure, or harvest any trees or forest products within areas defined and regulated as a Wetland Transition Area under the Freshwater Wetlands Protection Act (FWPA) without an approved Forestry Management Plan that is reviewed and approved by the State Forester and on file with the Tree Specialist before the activities are undertaken.

C. It shall be unlawful for any person to cut, remove, top, injure, or harvest any trees or forest products within areas regulated under the Flood Hazard Areas Control Act without an approved Forestry Management Plan that is reviewed and approved by the State Forester and on file with the Tree Specialist before the activities are undertaken.

D. It shall be unlawful for any person to cut, remove, top, injure, or harvest any trees or forest products within any slope equal to or greater than 11% percent, as illustrated, defined in this chapter and calculated in the Woolwich Township Environmental Resource Inventory (see Map 6 Steep Slopes).

E. It shall be unlawful for any person to remove or cause to be removed trees which are State Record, Specimen, or Historic Trees. Such trees shall be maintained in a living condition and it shall be unlawful for any person to remove such tree without an approved

tree removal permit. No specimen or historic tree shall be removed unless the applicant has obtained the approval of the Tree Specialist.

F. It shall be unlawful for any person to cut, remove, top, injure, or harvest any trees or forest products within protected vegetative buffers, conservation or wetland transition areas identified within a deed of easement restriction, approved final subdivision plat or site plan, which has been recorded.

G. It shall be unlawful for any person to cut, remove, top, injure, or harvest Street Trees as identified in an approved final subdivision plat or site plan, which has been recorded, unless a Tree Removal Permit is issued by the Tree Specialist, in which case replanting may be a condition of removal and that a greater than 1:1 replacement may be required.

177-4 Exemptions to Required Permit or Replacement.

A. The following shall be exempt from the tree removal permit and replacement requirements of this Chapter:

1. Any tree of less than five inches (5") Diameter Breast Height (DBH), provided it is not a Street Tree or located within a regulated area as set forth in 177-3, unless a Tree Removal Permit is issued by the Tree Specialist.
2. Any tree or trees planted and grown for commercial purposes on property used as a commercial nursery, tree farm, garden center, Christmas tree plantations or tree orchards.
3. Any tree growing in a utility right-of-way or fire trail, or for the purpose of establishing a survey line.
4. Any tree that is removed by the owner of an existing residential property that is

- (2) two or less acres in size and is not a Street Tree or located within an area regulated as set forth under 177-3, unless a waiver is obtained from the Tree Specialist.
5. Any tree that is removed by the owner of the property for personal use as firewood on the property by the owner and provided is not within an area regulated as set forth under 177-3, unless a waiver is obtained from the Tree Specialist.
 6. Tree removals necessitated by weather emergencies such as hurricanes, fire, windstorms, ice storm, flood, freezing temperatures or other disaster.
 7. Dead or diseased trees, which are a hazard to persons or property.

B. Exempt Areas.

- (1) For all new residential development as part of a minor subdivision with proposed lot area equal to or less than forty-three thousand five hundred sixty (43,560) square feet, up to fifty percent (50%) of the lot area shall be exempt area. For new residential development as part of a minor subdivision with a proposed area of forty-three thousand five hundred sixty (43,560) square feet or greater, up to twenty-five thousand (25,000) square feet or 30% of the lot area shall be exempt area. For all new residential development as part of a major subdivision, up to 30% of each lot shall be exempt area. The exempt area shall be calculated as a contiguous area from a fixed point within the footprint of the existing or proposed primary residential structure on the property. The exempt area should be calculated to minimize any adverse environmental impacts and is not within a regulated area as set forth under 177-3.
- (2) In all commercial and non-residential developments, fifty percent (50%) of the lot area may be exempt area. The exempt area should be calculated to minimize any adverse environmental impacts and comply with all relevant State and Federal environmental regulations or regulated areas as set forth under 177-3.

(3) Utility line clearance operations provided that a plan is filed with and approved by the Township Forester.

177-5 Tree Removal Permits; General.

A. Any person required to obtain a tree removal permit shall file a written application with the Tree Specialist and pay a \$25.00 fee. No permit shall be issued until an application has been approved by the Tree Specialist, within twenty-one (21) days of submission of said application and payment of fees

B. Selective logging or other sustainable commercial harvesting practices are permitted on properties that are Farmland Assessed, provided the applicant has obtained an approved tree removal permit and such activities are governed by an approved Forestry Management Plan filed with the Tree Specialist if proposed in a regulated area as set forth under 177-3. Under no circumstances shall a permit be granted that authorizes a person to cut, remove, top, injure, or harvest any trees or forest products within any slope equal to or greater than 11% percent within 200' (measured horizontally from the stream bank), or wetland area as defined under the Freshwater Wetlands Protection Act (FWPA).

C. Where an application, as required by this Chapter, has been submitted in connection with the construction of a building or other improvement, no building permit shall be issued until a save tree or replacement plan for the lot or parcel, if necessary, has been reviewed and approved by the Tree Specialist, and until the filing of a written report of an on-site inspection by the Tree Specialist.

D. If the tree removal permit is for a single family residence as part of a minor subdivision, the plan shall consist of a tree location sketch containing the minimum amount of pertinent information to enable the determination of compliance by the Tree Specialist.

E. Inspections: After the application is complete and reviewed, the Tree Specialist shall inspect the trees and property which are the subject of the permit application within twenty-one (21) days of the receipt of an administratively complete application.

F. Permit approval or denial: The Tree Specialist shall approve or deny the tree removal permit within ten (10) business days after completion of the inspection. The Tree Specialist shall notify the applicant in writing of the factual basis and criteria for any denial. The final decision of the Tree Specialist may be appealed to the Governing Body by filing written notice within ten (10) days of the final decision. The Governing Body shall hold a public hearing and issue its decision within sixty (60) days after notice of appeal is filed, unless the applicant requests, and the Governing Body consents to an extension of time.

177-6 Tree Preservation and Removal Plan.

Tree preservation and removal plans shall contain the following minimum information. The Tree Specialist reserves the right to request additional information as may reasonably be required.

Applications that require Joint Land Use Board approval shall have tree preservation and removal plans as part of the submittal to the Joint Land Use Board, and said plans shall be provided to the Tree Specialist for review and approval. Tree preservation and removal plans shall contain the following:

1. The name and address of the applicant.
2. The name and address of the owner of the property from which the trees are to be removed.
3. The street address (if assigned) and lot and block of the property.
4. The shape and dimensions of the lot or parcel, including the location of all existing and proposed easements
5. If the tree removal permit is for a single-family residence, the plan shall consist of a tree location sketch containing the minimum amount of

pertinent information to enable the determination of compliance with the regulations in this Chapter. The plan for any other property shall include a survey prepared by a licensed land surveyor that contains tree locations. The survey shall contain, at a scale of no less than one inch (1") equals fifty feet (50') the following information:

1. The existing and proposed tree preservation limits.
2. The proposed limit of the clearing (exempt area under ordinance) and all individual trees to be retained outside the exempt area identified by some approved method as determined by the Tree Specialist such as flagging, prior to the field inspection. For any clearing greater than or equal to three (3) acres, a representative five percent (5%) of the wooded areas proposed to be cleared shall be inventoried. The representative five percent (5%) shall be determined by agreement between the Tree Specialist and the applicant. Where less than three (3) acres is proposed to be cleared, all trees that are greater than the 6-inch caliper to be removed shall be inventoried, but not more than fifty (50) trees in the 3 acres.
3. The installation and limits of a temporary existing tree protection fence along the limits of the proposed tree removal.
4. Locations of all forest types shall be identified by common and botanical names of dominant tree species.
5. All State Record, specimen and historic trees to be removed. All reasonable efforts shall be made to preserve such trees, including, but not limited to, if feasible, relocation of infrastructure, roadways and buildings. Removal of such trees shall require specific approval

of the governing body with consideration of the Tree Specialist's recommendations. The governing body shall grant permission, especially where infrastructure, roadways, or buildings are contemplated, for the removal at double the rate of the tree compensation as provided elsewhere in this Ordinance.

6. A proposed tree replacement plan in accordance with this Chapter. A tree replacement plan shall be considered the proposed landscaping plan required for all subdivision and site plan approvals.

7. A North arrow.

8. The location of existing and proposed structures and improvements, if any.

177-7 Term of permit.

Any and all permits approved by the Tree Specialist shall be declared null and void if the tree removal is not completed within a reasonable time, not to exceed twelve (12) months after permit issuance, subject to Joint Land Use Board's conditions of approval. In no case will the permit be valid for more than twelve (12) months, except that a tree removal permit issued in conjunction with a development approved under the MLUL shall extend for the period of protection granted to the development approval under the MLUL. Permits not used within this period will require a new application and the payment of new fees.

177-8 Criteria for issuance of permits.

A. Upon completion of the Tree Specialist's field inspection report and review of any requested recommendations, the Tree Specialist shall approve of a permit if:

1. The Tree Preservation and Removal Plan is compliant;
2. The Tree Replacement Plan is approved; and
3. None of the conditions set forth below in subsection B exists.
4. A permit may also be issued if at least one of the criteria as follows has been satisfied.
 - a. The tree is located in an area where a structure or improvements will be placed according with the approval of Joint Land Use Board and the tree cannot be relocated on the site because of age, type or size of the tree;
 - b. The tree is dead, diseased, injured, in danger of falling, is too close to existing or proposed structures, interferes with existing utility service, creates unsafe vision of clearance or conflicts with other ordinances or regulations;
 - c. The trees to be removed is for the purpose of making the land available for farming or other agricultural activity. If the property is not farmed as prescribed on the tree removal permit within three (3) years of the tree removal or is developed for any other use before the expiration of five (5) years of clearing, the reforestation replacement obligation will be enforced according to the new use of the property;
 - d. The trees to be removed are in furtherance of a forestry management plan or soil conservation plan, or to serve some other purpose which is consistent with the purposes of this Ordinance.
 - e. The trees slated for removal are all within the exempt area.

B. The Tree Specialist may deny a permit if the plan is inconsistent with the Code and the removal will contribute to:

1. Extra runoff of surface water onto adjacent properties;
2. Erosion;
3. Silting; and/or
4. If the tree removal causes:
 - a. Soil instability;
 - b. Drainage or sewerage problems;
 - c. Dangerous or hazardous conditions or;
 - e. Clearing within any slope equal to or greater than 11% percent within 200' (measured horizontally from the stream bank).
 - f. Clear-cutting within sensitive natural areas and forested watershed lands.

C. Applicants claiming exemption must still comply with all relevant State and Federal environmental regulations.

177-8. Fees.

A. Application

1. The applicant, at time of filing the application with the Tree Specialist, shall pay the application fee of \$25.00 for each new or existing lot. Applicants wishing to obtain a permit to commercially harvest and selectively log an area equal to or greater than 0.5 (21,780 square feet) acres in size shall pay an application fee of \$50.00,

B. Tree Escrow Fund - A Tree Escrow Fund shall be established and maintained by the Chief Financial Officer of Woolwich Township to receive and disburse replacement tree contributions. Appropriations from the Tree Fund shall be authorized by the governing body with consideration of Tree Specialist's recommendations. The primary purpose of said fund is to provide for the replacement of trees and shrubs on public and municipal owned property for which the Township of Woolwich is responsible. The fund will also cover administrative costs to implement the provisions of this Chapter, including but not

limited to site inspections, processing of permits and supervision of tree replacements. Administrative costs imposed in accordance with this Chapter shall not exceed 30% of the fund, as determined on an annual basis.

177-9 Replacement Trees

A. Any tree removed pursuant to this Chapter, unless exempt shall be replaced based on the following:

# of trees to be removed	Size/Diameter in Inches	# of replacement trees	Size of replacement trees	Or dollar amount
1	Greater than 6" up to 10"	1	2 – 2½"	\$ 200.00
2	Greater than 6" up to 10"	1	3½ – 4"	\$ 400.00
1	Greater than 10" up to 16"	2	2 – 2½"	\$ 480.00
1	Greater than 16" up to 23"	2	3"	\$ 840.00
1	Greater than 23" up to 30"	4	3½ – 4"	\$1,680.00
1	Greater than 30"	5	3½ – 4"	\$2,100.00

In cases where the tree cost requirement criteria is combined with partial replacement, the value of proposed shade, ornamental, evergreen and shrub material shall be deducted from the calculated amount for the true cost replacement value. The value of the proposed landscape material shall be calculated based upon average local material costs for planting.

B. The applicant will receive a one-for-one replacement tree credit should stands of ten (10) or more trees greater than six inches in diameter be preserved within the limit of the disturbance line (exempt area).

C. All replacement trees shall be planted on site in accordance with the foregoing. However, if one or more of the following conditions exist, some or all of the replacement trees may be planted off-site:

1. The site in question cannot physically accommodate the total number of replacement trees, and the applicant contributes an amount equal to the calculated monetary value of non-replaced trees to the Tree Escrow Fund; or
2. The Tree Specialist and applicant agree in writing that the applicant shall make payment to the Tree Escrow Fund based upon the chart provided; or

3. The Tree Specialist and applicant agree in writing that the applicant shall plant replacement trees off-site on Municipally owned property pursuant to the Municipal tree planting plan. This option shall require Township Committee approval.

177-10 Existing tree protection during construction.

- A. (1) Prior to construction and any tree removals, suitable tree protective barriers shall be erected and this protection, where required, shall remain until such time as the protection is authorized to be removed by the Tree Specialist or after issuance of a final certificate of occupancy. In addition, during construction no attachments or wires shall be attached to any of said trees so protected. Where some grading must take place within the drip line of trees, or fifteen (15) feet from the trunk diameter, whichever is less, in the protection zone (outside the exempt area), appropriate measures shall be taken to minimize impact to the trees. Any trees seriously damaged during construction must be professionally treated by a N. J. Certified Tree Expert or replaced if the damage is beyond treatment.
- (2) A detail of the existing tree self-supported protective barrier shall be provided on all applications. The protective barrier shall be a minimum of four (4') feet high.
- (3) The self-supported protective barrier shall be placed, as determined by the Tree Specialist, at the drip line of any tree along the limit of clearing and around the entire drip line for trees to remain undisturbed within the limit of clearing (exempt area).

(4) It shall be unlawful for any person in the construction of any structure or other improvement to place solvents, material, construction machinery or temporary soil deposits within the drip line.

B. Street right-of-way and utility easements (exempt area) may be delineated by placing stakes a minimum of fifty (50') feet apart and tying ribbon, plastic tape, rope, etc., from stake to stake along the outside perimeters of such areas to be cleared.

C. Large property areas separate from construction and land-clearing areas into which no equipment will venture may also be delineated as set forth above as determined by the Tree Specialist following a field evaluation.

177-11 Tree Replacement:

Any tree removed in connection with an application that requires Joint Land Use Board approval, construction of a building or other improvement shall be replaced as provided under other provisions of this Chapter, unless said tree is located in an exempt area or is dead or fatally diseased as determined by the Tree Specialist or Certified Tree Expert. Tree replacement shall be in accordance with either paragraph A,B,C or D below or a combination of paragraphs A,B,C and D.

A. Standard Replacement. For each tree six inches (6") in DBH or greater that is removed, the applicant shall prepare a replanting plan for other areas of the property. The replacement plan or landscape plan shall generally reflect a one-to-one tree replacement for each tree six inches (6") or greater to be removed. All proposed replacement trees shall be in accordance with selections from Trees For New Jersey Streets, published by the New Jersey Shade Tree Federation, and Street Tree Factsheets a publication of the Municipal Tree Restoration Program, and submitted for review and approval prior to the issuance of a tree removal permit. Please see table in section 100-9.

B. Tree area replacement/reforestation: For each square foot of tree area to be removed, the applicant shall prepare a reforestation scheme on other treeless open space areas of the property to compensate for the tree removals. The reforestation plan shall be based on a twenty foot (20') by twenty foot (20') grid. Of this number of trees, ten percent (10%) shall be balled and burlaped, two inch (2") to two and one-half inch (2 ½") caliper, twenty percent (20%) shall be balled and burlaped, one and three-quarter inch (1 ¾") to two-inch (2") caliper, thirty percent (30%) shall be bare root one and one-quarter (1 ¼") to one and one-half inch (1 ½") caliper, and forty percent (40%) shall be bare root six foot (6') to eight-foot (8') tall whips. A mixture of trees, indigenous to the area and site, shall be utilized. Proposed trees shall be planted in natural groves and may be spaced five feet (5') to twenty feet (20') on center. The ground shall be seeded with a grass mixture approved by the Shade Tree Commission. The reforestation formula shall follow the guidelines as set forth in the New Jersey No Net Loss Reforestation Act.

C. Credits. The permit applicant will receive a one-to-one replacement tree credit:

- (1) For stands of ten (10) or more trees within a DBH of six inches (6") or greater preserved within the limit of the disturbance line (exempt area); or
- (2) Forested areas of one (1) acre or greater, which are left natural and conveyed to the Township with a deed restriction, will remain forested and undeveloped. This conveyance excludes all previous dedicated easements.

177-12 Emergencies:

In case of emergencies such as hurricanes, fire, windstorm, ice storm, flood, freezing temperatures or other disaster, trees which are a hazard to persons or property, the requirements of the regulations set forth in this Chapter shall not apply.

177-13 Stop-work orders:

The Tree Specialist is hereby authorized to issue stop-work orders to the holder of the tree removal permit and the Tree Specialist is authorized to recommend the issuance of stop-work orders in the event that there is:

- (1) A failure to comply with the approved plan such as a site plan, forest management plan or soil conservation plan;
- (2) Non-compliance with the tree removal permit granted pursuant to this Chapter; or
- (3) Non-compliance with the provisions of this Chapter.

The stop-work order shall remain in effect until the Shade Tree Commission, upon recommendation of the Tree Specialist, has determined that the resumption of work will not violate the plans, permit or the provisions of this Chapter.

177-14 Enforcement

The Tree Specialist shall oversee all tree removals pursuant to an issued tree removal permit. The Tree Specialist shall conduct adequate inspections of all sites for which a tree removal permit has been issued. Upon the ascertainment of a violation of this Chapter, the Tree Specialist or his/her assignee shall pursue enforcement.

177-15 Applicability to tree removal construction companies; permit required.

All provisions of this Chapter shall apply to any person removing trees on behalf of any other person, including all tree removal construction companies or persons in the business of removing trees or construction. It shall be unlawful for any person or company to remove or cause to be removed any tree or undertake any work for which a

permit is required pursuant to this Chapter unless a valid permit therefore is in effect and is displayed. Such removal or work shall constitute a violation of this section and shall subject the person or company violating this section to all penalties provided herein.

177-16 Display of permit; carrying of plan or authorization; right of entry.

A. The applicant shall prominently display on the site the tree removal permit issued. Such permit shall be displayed continuously while trees are being removed or replaced or work done as authorized on the permit and for ten (10) days thereafter. In addition, the person or persons cutting or removing trees, if other than the applicant, shall carry with him/her authorization from the owner or applicant authorizing such person to cut or remove trees. In the event that the trees are being cut or removed in accordance with a forest management plan or a soil conservation plan, a copy of the plan shall be in the possession of the person cutting or removing such trees.

B. As a condition for the issuance of the permit, the applicant shall agree in writing to the entry onto his/her premises by the Tree Specialist and all law enforcement officers as necessary to effectuate the provisions of this Chapter, and such entries shall be deemed lawful. Failure to allow such entry shall be unlawful and shall constitute a violation of this Chapter and shall constitute failure to display the permit as required herein. It shall be unlawful and considered a violation of this Chapter for any person to engage in the business of plant cutting, trimming, removal, spraying or otherwise treating trees, shrubs or vines within the Township and without the applicable certification or license for the designated work. All contractors offering tree care services for hire within Woolwich Township shall register annually with the Tree Specialist, provide a current certificate of insurance showing evidence of employer liability and workers compensation coverage for the work to be performed, and shall comply with applicable OSHA regulations and A13.1, New Jersey Board of Tree Experts Pruning Standards for Shade Trees.

177-17 Duties of the Tree Specialist.

The Tree Specialist shall perform the duties set forth in this Chapter and shall be responsible for the enforcement of the provisions of this Chapter as directed by the Shade Tree Commission. In this regard the Tree Specialist is authorized and shall perform any necessary inspections and is further authorized and shall issue violation notices and shall sign complaints and provide testimony in the Municipal Court for violations of this Chapter.

177-18 Violations and penalties.

A. Any person, firm, partnership, corporation, association or other legal entity violating any of the provisions of this Chapter shall, upon conviction of such violation be punished by a fine of up to five thousand dollars (\$5,000.00) for each offense, in addition to payment of the corresponding fees for replacement. Each illegally removed tree shall be considered a separate violation. Each violation of any of the provisions of this Chapter and each day the same is violated shall be defined and taken to be a separate and distinct offense. In addition, the court may order restitution in the form of payment of the value of the tree illegally removed.

B. In addition to other remedies, the Shade Tree Commission, Tree Specialist or other authorized official may institute any appropriate legal action to prevent a continuing violation of the terms of this Chapter. If such action is taken in Superior Court, the Township shall be entitled to an award of attorney's fees and costs in addition to any and all other available relief.

Invalidity Reservation. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

This Ordinance shall take effect after second reading and publication as required by law.

TOWNSHIP OF WOOLWICH

Vernon Marino, Mayor

ATTEST: _____
Jane DiBella, Clerk

CERTIFICATION OF INTRODUCTION

The foregoing Ordinance was introduced by the Township Committee of the Township of Woolwich at a meeting held on the 7th day of October, 2019. It will further be considered for final adoption upon second reading and subsequent to a public hearing to be conducted on such Ordinance, at the next scheduled meeting of the Woolwich Township Committee at which time and place any interested person(s) may be heard. Said meeting to be held on the 4th day of November, 2019 at the Woolwich Township Municipal Building, beginning at 7:00 p.m.

Jane DiBella, Clerk

CERTIFICATION OF ADOPTION

The foregoing ordinance was adopted by the Township Committee of the Township of Woolwich at a meeting held on the 4th day of November, 2019.

Jane DiBella, Clerk