

**ALEXANDRIA TOWNSHIP  
ORDINANCE# 2024-003**

**AN ORDINANCE OF THE TOWNSHIP OF ALEXANDRIA, HUNTERDON COUNTY, NEW JERSEY,  
AMENDING AND REVISING ARTICLE XXIII STORMWATER MANAGEMENT OF THE LAND USE  
CODE TO INCORPORATE A NEW SECTION 115-171 ENTITLED TREE REMOVAL-REPLACEMENT.**

**WHEREAS**, the Legislature of the State of New Jersey adopted amendments to the stormwater management rules at N.J.A.C. 7:8 on July 17, 2023; and

**WHEREAS**, each municipality in the State of New Jersey is required to adopt a tree removal-replacement ordinance in furtherance of these amendments by May 1, 2024; and

**WHEREAS**, trees play a critical, often overlooked, role in the water cycle and in the mitigation of stormwater runoff issues such as soil erosion, pollutant reduction, infiltration, quantity reduction, and thermal effects; and

**WHEREAS**, the purpose of a tree removal-replacement ordinance is to ensure that permittees are considering these undervalued assets in their stormwater management efforts; and

**WHEREAS**, the 2023 Tier A MS4 permit renewal requires permittees to, at a minimum, adopt and enforce a community-wide ordinance to control tree removal and replacement for all types of properties where the municipality has jurisdiction; and

**WHEREAS**, the New Jersey Department of Environmental Protection (NJDEP) created a sample ordinance to assist municipalities in establishing a tree removal-replacement ordinance; and

**WHEREAS**, the below ordinance is consistent with the model ordinance, with limited changes to meet the needs of the Township; and

**NOW THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Alexandria, as follows:

**SECTION 115-171: TREE REMOVAL-REPLACEMENT**

**ARTICLE I. Purpose:**

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

**ARTICLE 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 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. "Applicant" means any "person", as defined below, who applies for approval to remove trees regulated under this ordinance.

B. "Critical Root Radius (CRR)" – means 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'.

C. "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.

D. "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. [Municipalities may choose to require a Licensed Tree Expert to make all Hazard tree determination]

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).

E. "Person" means any individual, resident, corporation, utility, company, partnership, firm, or association.

F. "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.

G. "Resident" means 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" 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.

I. "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.

J. "Tree Caliper" means 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" 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.

### **ARTICLE III. Regulated Activities:**

#### **A. Application Process:**

1. Any person planning to remove a street tree, as defined as Tree removal, with DBH of 2.5" or more or any non-street tree with DBH of 6" or more on their property shall submit a Tree Removal Application to the Township Zoning Officer. No tree shall be removed until municipal officials have reviewed and approved the removal.
2. The submission of a survey shall be required for projects involving tree clearing of 1.5 acres or more. The survey shall reference the trees to be removed, the sizes of those trees and if any such trees are considered Hazard Trees or are otherwise exempt pursuant to Article IV herein.

3. An application fee of \$25.00 shall be paid in connection with the processing of the application in the event that a survey as outlined above is required in addition to the replacement tree application fees outlined below.

**B. 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, who removes one or more tree(s), as defined as Tree removal, with a DBH of 6” or more per acre, unless otherwise detailed under Section IV, shall be subject to the requirements of the Tree Replacement Requirements Table.

The tables of recommended trees and shrubs, which represent the recommended plants for replacement trees and for landscaping required as part of Land Use Board Site Plan review, to include, or to remove, are required to be trees listed as Native to Hunterdon County, New Jersey, as found in the Native Plant Society of New Jersey state-wide database at the following link: <https://npsnj.org/native-plants/plant-lists/#Native-Tree-Recommendations>

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)	Application Fee
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	N/A

2	DBH of 13" to 22.99"	Replant 2 trees with minimum tree calipers of 1.5" for each tree removed	N/A
3	DBH of 23" to 32.99"	Replant 3 trees with minimum tree calipers of 1.5" for each tree removed	N/A
4	DBH of 33" or greater	Replant 4 trees with minimum tree calipers of 1.5" for each tree removed	N/A

**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 per tree removed. This fee shall be placed into a fund dedicated to tree planting and maintenance of trees.

**ARTICLE IV. 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 such as photos or statements from a NJ licensed tree expert as per NJ Statute 45:15C-11 or an arborist:

- 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. This 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;
- 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; and/or
- G. Hazard trees, which may be removed with no fee or replacement requirement.

**ARTICLE V. Enforcement:**

This ordinance shall be enforced by the **Zoning Officer** during the course of his/her ordinary enforcement duties.

**ARTICLE VI. 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 \$5 per tree plus the cost of planting.

**ARTICLE 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.

**ARTICLE 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.

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Michele Bobrowski, MMC

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Jim Kiernan, Mayor

First Reading: April 11, 2024

Consistency Review: April 18, 2024

Publication: April 25, 2024

Public Hearing and Adoption: May 9, 2024

Publication: May 16, 2024