



ORDINANCE - 2026-8

**City of Asbury Park
County of Monmouth
State of New Jersey**

ORDINANCE OF THE CITY OF ASBURY PARK AMENDING THE CITY CODE TO RE-LOCATE THE TREE REMOVAL AND REPLACEMENT ORDINANCE INTO A NEW CHAPTER 23, TO BE ENTITLED "TREE REMOVAL AND REPLACEMENT" AND TO MAKE MINOR CHANGES

WHEREAS, the City of Asbury Park (the "City") previously adopted a Tree Removal and Replacement ordinance, as required by the NJDEP, which is entitled "Tree Removal and Replacement Requirements" and is codified at § STC 1-7.3 of "The Code of the City of Asbury Park" (also referenced as the "City Code"); and

WHEREAS, the City now desires to amend the City Code to re-locate the Tree Removal ordinance into another Code section, to remove the Shade Tree Commission as the enforcing authority, and to make minor changes to the ordinance; and

WHEREAS, the provisions to be revised are more specifically identified below.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Mayor and City Council of the City of Asbury Park, in the County of Monmouth and State of New Jersey, as follows:

Section 1: The City Code is hereby amended to create a new Chapter 23, to be entitled "Tree Removal and Replacement" and to re-locate existing Code section STC-1-7.3 in its entirety into Chapter 23.

Section 2: The newly created Chapter 23 shall now read as follows, with the changes from STC 1-7.3 as indicated (~~strikethroughs~~ to be deleted; underlined to be added):

Chapter 23 TREE REMOVAL AND REPLACEMENT

§ 23-1.1 ~~STC1-7.3~~. Tree Removal and Replacement Requirements.

The following provisions establish requirements for tree removal and replacement within the City of Asbury Park to reduce soil erosion and pollutant runoff, promote infiltration of rainwater into the soil,

reduce heat island effect, improve air quality, and protect the environment, public health, safety, and welfare.

Definitions. The following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this section 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.

APPLICANT — Shall mean any "person", as defined below, who applies for approval to remove trees regulated under this section.

ASBURY PARK ENVIRONMENTAL/SHADE TREE COMMISSION (ESTC) — Shall mean the official name of the Shade Tree Commission of Asbury Park.

ASBURY PARK TREE REPLACEMENT FUND — Shall mean a fund established by the City of Asbury Park for the express purpose of planting and maintaining trees on public property. The fund may also be used for consulting fees for administration of the Tree Removal and Replacement Ordinance.

CITY — Shall mean the City of Asbury Park.

CRITICAL ROOT RADIUS (CRR) — Shall mean 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 six inches DBH would have a $CRR = 6" \times 1.5' = 9'$.

DIAMETER AT BREAST HEIGHT (DBH) — Shall mean 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 1/2 foot height, the DBH shall be measured at the highest point before any division.

HAZARD TREE — Shall mean 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.

Has an infectious disease or insect infestation;

Is dead or dying;

Obstructs the view of traffic signs or the free passage of pedestrians or vehicles, where pruning attempts have not been effective;

Is causing obvious damage to structures not able to be repaired or remediated by other means; or

Is determined to be a threat to public health, safety, and/or welfare by a certified arborist or Licensed Tree Expert (LTE).

INVASIVE TREES — Shall mean species of trees introduced ~~deliberately or unintentionally~~ outside their natural habitats where they have the ability to establish themselves, invade, out-compete natives and take over the new environments. Invasive trees are those trees recognized by the New Jersey Department of Environmental Protection and those on the most recent New Jersey Invasive Species Strike Team "Do Not Plant List."

PERSON — Shall mean any individual, resident, corporation, utility, company, partnership, firm, or association.

PLANTING STRIP — Shall mean 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 — Shall mean 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 section is removed or proposed to be removed.

STREET TREE — Shall mean a tree planted in the sidewalk, planting strip, and/or in the public right-of-way. This also includes trees planted in planting strips within the roadway right-of-way, i.e., islands, medians, pedestrian refuges.

TREE — Shall mean 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.

TREE CALIPER — Shall mean the diameter of the trunk of a young tree, measured six inches from the soil line. For young trees whose caliper exceeds four inches, the measurement is taken 12 inches above the soil line.

TREE EXPERT – Shall mean a professional certified by the NJ Board of Tree Experts as a Licensed Tree Expert (LTE) or an ISA Certified Arborist who has passed rigorous examinations and met specific educational/experience requirements in the science or arboriculture.

TREE REMOVAL — Shall mean 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.

Tree Removal Application Process.

Any person who would like to remove:

A Street Tree with DBH of 2.5 inches or more, or

Any non-Street Tree with DBH of six inches or more on their property,

Shall submit a completed Tree Removal Application and the Application fee of \$25 to the City of Asbury Park Department of Public Works. No tree shall be removed until municipal officials have reviewed and approved the removal.

In addition to the application, the applicant must submit a sketch or site plan showing all existing and proposed structures, walkways, driveways, pools, etc., and the location of the trees to be removed and the proposed location of the replacement tree(s). Trees to be removed should be marked with a ribbon for clear identification by the ~~ESTC member or Licensed~~ Tree Expert who will be inspecting the site.

Within 30 business days of receipt of the application, the ~~ESTC or Licensed~~ Tree Expert or designee from the Department of Public Works shall:

Visit and inspect the location and trees that are subject to the application.

If necessary, meet with the applicant on site.

Grant or deny the application in part or in whole or make recommendations that would make the

application acceptable to the ~~ESTC or Licensed~~ Tree Expert, in writing.

It is the responsibility of the applicant to dispose of all branches, trunk, and debris.

All trees removed from the Planting Strip must have their trunk removed to eight inches

- 12 inches below grade and backfilled to grade.

Tree Replacement Requirements.

Any person who removes one or more Street Tree(s) with a DBH of 2.5 inches or more or tree on their property with DBH of six inches or more unless exempt under paragraph g below, shall be subject to the requirements of Table A: Tree Replacement Requirements. Tree Replacement Fees are applied if the applicant prefers to pay for replacement trees to be planted at the agreed upon site or does not replace the tree(s) within the required timeframe. Replacement trees must be planted in accordance with Asbury Park City Code subsection 30.57.12 Street Tree, Landscaping and Planting Requirements.

Tree Removed (DBH)	Required Number of Replacement Trees (2 inches Caliper) per Tree Removed or Destroyed	Tree Replacement Fee in Lieu of Planting
DBH of 2.5 inches (street trees) or 6 inches (private property trees) to 12.99 inches	1	\$500
DBH of 13 inches to 22.99 inches	2	\$1,000
DBH of 23 inches to 32.99 inches	3	\$1,500
DBH of 33 inches or greater	4	\$2,000

The species type and diversity of replacement trees shall be approved by either: (i) the Tree Expert; or (ii) the designated DPW employee in consultation with an ESTC representative and be consistent with the guidance provided in the Asbury Park Community Forestry Management Plan. the ESTC and be consistent with the guidance provided by the Monmouth County Department of Public Works and Engineering, Trees for Monmouth County. Tree selection and must consider the The planting site, including proximity to buildings, the width of the planting strip and whether utility wires will interfere with the tree's future growth, must be considered. The planting of Invasive Tree species is prohibited.

Property owners must plant replacement trees ~~Replacement trees must be planted~~ within 6 ~~12~~ months of the date of removal of the original tree(s). If trees have not been planted in accordance with the approved permit requirements, the property owner will be assessed a fee in accordance with Table A for the trees

~~that have been removed and not replaced; or at an alternative date specified by the City;~~

Replacement trees must be monitored and watered by the applicant for a period of two years to ensure their survival and shall be replaced as needed within 12 months; and

Replacement trees shall not be planted in temporary containers or pots, as these do not count towards tree replacement requirements.

Tree Replacement Alternative.

If the City determines that some or all required replacement trees cannot be planted on the property where the tree removal activity occurred, then the applicant shall:

~~Plant replacement tree(s), in consultation with the ESTC and in accordance with the requirements outlined in Section d above in a separate area(s) approved by the City, or~~

(a) Pay a Tree Replacement Fee in accordance with the schedule outlined in Table A above. This fee shall be placed into The Asbury Park Tree Replacement Fund.

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 City by all persons claiming an exemption. An application must be submitted for an exemption and approved by the City. The following exemptions are applicable:

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.

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;

Approved game management practices, as recommended by the State of New Jersey Department of Environmental Protection, Division of Fish, Game and Wildlife;

Hazard trees may be removed with no replacement requirement. However, an application and fee must be submitted to the City and approved.

Enforcement. This section shall be enforced by the Asbury Park Police Department and/or Code Enforcement during the course of ordinary enforcement duties.

Violations and Penalties. Any person who shall violate any of the provisions of this section and any person who aids, abets or assists therein, shall, upon conviction thereof by the Judge, be subject to one or more of the following penalties for each offense or violation: (1) a fine of not less than \$500 nor exceeding \$2,000; (2) imprisonment for a term not exceeding 30 days in the County Jail, or in any place provided by the municipality for the detention of prisoners; or (3) the performance of community service for a period of not more than 90 days.

Annual Report. The ~~Shade Tree Commission~~ Department of Public Works shall provide a written report to the City Council annually on the number of applications that were granted or denied pursuant to this Chapter and the number of trees removed and replaced. The report shall include the fees, penalties and assessments collected and disbursed for tree plantings. ~~dispersed to the Asbury Park ESTC~~. The report

shall be submitted by February 1 of each year regarding the preceding year's activities.

The City shall maintain records of the removal or planting of any trees within the public right-of-way.

Section 3. All parts and provisions of any Ordinance which are inconsistent with the provisions of this Ordinance shall be repealed to the extent of such inconsistency.

Section 4. The provisions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to the portion of the Ordinance actually adjudged invalid and shall not be deemed to affect the operation of any other portion thereof, which shall remain in full force and effect.

Section 5. This Ordinance shall take effect upon final passage and publication in accordance with the law, following the required twenty (20) day period after adoption, as set forth in N.J.S.A. 40:69A-181(b).

I, ANTHONY CUCCI, City Clerk of the City of Asbury Park, Monmouth County, New Jersey, DO HEREBY CERTIFY the foregoing to be a true and exact copy of ORDINANCE NO. 2026-8 which was finally adopted by the City Council at a meeting held on the 25th day of March, 2026

CERTIFIED BY ME THIS 26th DAY OF March, 2026.



Anthony Cucci, City Clerk

ANTHONY CUCCI
CITY CLERK

RESULT:	Passed
MOVER:	Deputy Mayor Amy Quinn
SECONDER:	Council member Eileen Chapman
AYES:	Mayor John Moor, Deputy Mayor Amy Quinn, Council member Angela Ahbez-Anderson, Council member Eileen Chapman, Council member Yvonne Clayton
NAYS:	None