

**ORDINANCE NO. 1786**

**AN ORDINANCE OF THE BOROUGH OF COLLINGSWOOD AMENDING  
CHAPTER 283 OF THE BOROUGH CODE REGARDING THE MAINTENANCE,  
REMOVAL AND REPLACEMENT OF TREES**

**WHEREAS**, the Board of Commissioners (“Commissioners”) of the Borough of Collingswood (“Borough”) recognize that trees are a significant asset to the community for the quality of life and protection of nature; and

**WHEREAS**, it is also recognized that trees play a critical but 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**, this Ordinance is intended to preserve and protect this vital community environmental asset and to ensure that any tree removed, whether dead or alive, whether a beneficial tree or invasive or infested Tree, when removed, is replaced with a healthy beneficial tree, to further support the benefits to the Borough community as described above; and

**WHEREAS**, the Borough code provides for the maintenance and preservation of trees located on public property in Chapter 283 in the Borough code; and

**WHEREAS**, the Commissioners wish to include standards and requirements for the maintenance and protection of those trees which are located on private property within the Borough code by amending Chapter 283;

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Commissioners of the Borough of Collingswood that Chapter 283 of the Borough Code is hereby amended in its entirety as follows:

§283-1. Short Title.

This Ordinance shall be known as the “Tree Removal, Replacement and Protection Ordinance.”

§283-2. Purpose:

The intent and purpose of this Ordinance is to establish:

- a.) requirements for tree removal and replacement on private property; and
- b.) requirements for maintenance, removal and replacement of trees located in curb strips, parks, and other easement locations in the Borough.

The additional purposes of this Ordinance are to reduce soil erosion and pollutant runoff, promote infiltration of rainwater into the soil on location, and protect the environment, public health, safety, and welfare.

§283-3. 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. The use of the word "shall" means the requirement is always mandatory and not discretionary.

- A. "Applicant" means any "Person", as defined below, that applies for approval to remove Trees regulated under this Ordinance.
- B. "Borough" means the Borough of Collingswood and all employees, appointed and elected officials, agents, contractors and/or representatives who have been authorized to enforce the provisions of this Ordinance.
- C. "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'.
- D. "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.
- E. "Hazard Tree" means a Tree or limbs thereof that meet at least one of the criteria listed below. Trees that do not meet any of the criteria below and are proposed to be removed solely for the owner's personal reasons are not hazard trees.
  - 1. One that is dead or in significant decline with no further pruning or treatment possible;
  - 2. Has an infectious disease or insect infestation;
  - 3. Is causing obvious damage to structures including building foundations, but excluding sidewalks; or
  - 4. Obstructs the view of traffic signs or the free passage of pedestrians or vehicles, where pruning has not been effective; or

5. One that is a threat to public health, safety, and/or welfare by a Borough official or Borough designated certified arborists, or Licensed Tree Experts (“LTE”).
- F. “Person” means any individual, resident, corporation, utility, company, partnership, firm, or association.
- G. “Beneficial Tree” means a healthy tree that improves the quality of life of the community through some or all of the following: reducing stormwater runoff and flooding, providing biofiltration, improving overall canopy effect, supporting wildlife, sequestering carbon, mitigating noise and air pollution, and providing thermal benefits.
- H. “Property Owner” means any Person that owns the property where a Tree(s) identified in this Ordinance is removed or proposed to be removed by a contractor hired by the owner.
- I. “Tree” means a woody perennial plant, typically having a single stem or trunk growing to a considerable height and bearing lateral branches above the ground.
- J. “Street Tree” means a Tree planted in the in the public right-of-way which includes Trees planted in the curb strip or along the back of sidewalk. No Street Tree shall be pruned or removed by any Person, other than a Borough employee or by a contractor hired by the Borough.
- K. “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.
- L. “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.

#### §283-4. Regulated Activities:

##### A. Application Process:

1. Street Trees are protected by Section §283-6. No Street Tree shall be pruned or removed by any Person, other than a Borough employee or contractor hired by the Borough that are authorized to provide those services.
2. Any Person planning to remove a Tree located on their private property which has a DBH of 6.0” or more shall submit a Tree Removal application to the

Collingswood Zoning Officer. No Tree shall be removed until municipal officials have reviewed and approved the application for removal and the Applicant's replacement plan, if any, as required below. For larger-scale clearing projects, a Tree survey shall be submitted as part of the application to determine the number, sizes, and types of trees to determine the assessment of fees and for consideration for approval or denial of the removal request and for replanting purposes. Fees will be imposed for removal if replanting cannot be accomplished on Applicant's property.

#### B. Tree Replacement Requirements

Any Person who removes one or more Tree(s) on private property which Tree or Trees have a DBH of 6" or more, without first obtaining a permit prior to the approval from the Borough shall be subject to fines and Tree replacement requirements as set forth in the Tree Replacement Requirements Table below.

The species type and diversity of replacement Trees shall be in accordance with Appendix A which is attached to this Ordinance and incorporated by reference herein may be updated periodically in accordance with most current guidance from the Borough's Shade Tree Advisory Committee and the New Jersey Department of Forestry.

Replacement Trees are required to conform to the standards listed below.

1. Shall replace in kind a Tree with an equal or greater DBH than the tree removed or meet the Tree replacement criteria and applicable fee as set forth in the table below;
2. Shall be planted within twelve (12) months of the date of removal of the Tree(s) removed or at an alternate date agreed to by the Borough;
3. Shall be monitored by the Applicant for a period of three (3) years to ensure survival of the replacement Tree and shall be replaced if necessary during the (3) year period; and
4. Shall not be planted in temporary containers or pots which do not meet the Tree replacement requirements.

Tree Replacement Requirements Table:

Category	Tree Removed (DBH)	Tree Replacement Criteria (See Appendix A for)	Application Fee/s
1	DBH 6" to 12.99"	Replant 1 Tree with a minimum tree caliper of 2.5" for each tree removed	\$50.00
2	DBH of 13" to 22.99"	Replant 2 Trees with minimum tree calipers of 2.5" for each Tree removed	\$50.00
3	DBH of 23" to 32.99"	Replant 3 Trees with minimum Tree calipers of 2.5" for each Tree removed	\$75.00
4	DBH of 33" or greater	Replant 4 Trees with minimum Tree calipers of 2.5" for each Tree removed	\$75.00

**C. Replacement Alternative:**

In the event the Borough determines that some or all required replacement Trees cannot be planted on the property where the Tree removal occurred, the Applicant shall then pay a fee ranging between \$100 - \$500 based on the value and size of the Tree; as set forth in the table below. The fee shall be deposited into a separate fund maintained solely by the Borough for the purpose of Tree planting and maintenance.

Category	Tree Removed (DBH)	Fee for Replacement Per Tree
1	DBH 6" to 12.99"	\$100
2	DBH of 13" to 22.99"	\$200
3	DBH of 23" to 32.99"	\$300
4	DBH of 33" or greater	\$500

§283-5. Exemptions:

All Persons shall comply with the Tree replacement requirements described above, except in the cases described in Subsections A-F below.

To be exempt from the Tree Removal provisions, a Property Owner must submit to the Borough a request for exemption which the Borough shall approve or deny in its sole discretion. All requests for exemptions shall be in writing; it is recommended that such requests include photos, diagrams and other similar documentation to assist the Borough in making its determination. Applicants for exemptions are also encouraged to include statements from a certified or consulting arborist. The municipality shall define what "proper justification" is such as photos or statements from NJ licensed tree expert as per NJ Statute 45:15C-11 or arborist.

- A. Residents who remove less than four (4) trees per acre that fall into category 1 or 2 of the Tree Replacement Requirements Table within a five-year period. (The 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. Properties used for the practice of silviculture under an approved forest stewardship or woodland management plan that is active and on file with the Borough;
- C. Any Trees removed as part of a Borough or New Jersey decommissioning plan. This exemption only includes trees planted as part of the construction and predetermined to be removed in the decommissioning plan.
- D. 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;
- E. Approved game management practices, as recommended by the State of New Jersey Department of Environmental Protection, Division of Fish, Game and Wildlife;
- F. Hazard Trees as defined above may be removed with prior approval from the Borough and shall have no fee or replacement requirement.

§283-6. Trees on curbside, public property and in public parks.

- A. No Person(s) is permitted to trim, top or remove any limbs, trunks, branches or roots of any curbside Tree, a Tree located in a public park or a tree located on public property.

- B. No Person(s) is permitted to nail, tack or staple any sign or notices into any limbs, trunks, branches or roots of any curbside Tree, a Tree located in a public park or a tree on public property.

§283-7. Concrete repairs when tree roots are involved.

See Appendix B attached and incorporated by reference herein.

§283-8. Utility trimming.

- A. Any Person or Persons, corporation or corporations and/or utility companies must submit a written plan for any Tree trimming prior to the commencement of work to the office of the Superintendent of Public Works or his designee for their approval. This plan must be submitted two weeks prior to the work to be performed. Upon approval, the Superintendent of Public Works shall be notified 24 hours in advance of the actual start of the work. In emergency situations (i.e., windstorms, hurricanes, sewer outages), this section shall be deemed inapplicable. However, in the event circumstances permit, the Superintendent of Public Works shall be notified prior to work.
- B. Each Tree which is deemed to have been removed in violation of this Ordinance, shall be considered a separate offense.
- C. Nothing herein shall be deemed to limit the remedies available to the Borough of Collingswood or other Person seeking to compel enforcement of this Ordinance.

§283-9. Planting of Trees.

No Tree should be planted in the curb strip of the Borough's easement without prior approval from the Borough's designated tree expert or arborist.

§283-10. Enforcement:

This Ordinance shall be enforced by the Borough Zoning Officer during the course of ordinary enforcement duties.

§283-11. 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 \$2000 per tree based on the size, value, and benefit of the tree(s). In addition to fines, tree planting shall be required, as per the tree replacement table above and the Appendix A tree replacement list for recommendations for tree planting.



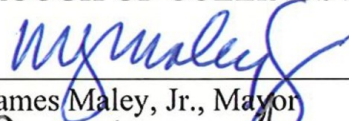
§283-12. Severability:

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.

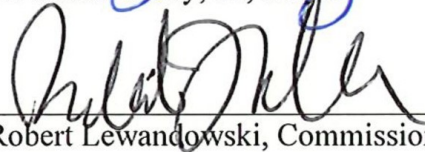
§283-13. Effective Date:

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

**BOROUGH OF COLLINGSWOOD**



M. James Maley, Jr., Mayor



Robert Lewandowski, Commissioner



Morgan Robinson, Commissioner



K. Holly Mannel, Borough Clerk

DATED: May 6, 2024  
June 3, 2024



TREES

*283 Attachment 1*

**Borough of Collingswood**

**Appendix A**

**Procedures for Concrete Repairs  
When Tree Roots Are Involved**

1. Contractors and homeowners must adhere to the following steps when tree roots are present during any concrete work:
  - A. A permit must be obtained by the homeowner or contractor for any concrete work prior to the commencement of work.
  - B. Before any permit is issued, it shall be determined if tree involvement is the reason for the concrete work. This must be identified on the permit application by checking off the appropriate box.
  - C. The Zoning Officer, Public Works Superintendent or his designee or a member of the Shade Tree Advisory Board will inspect the site to make this determination.
  - D. If it is determined that tree roots are involved, under no circumstances shall work proceed unless the Public Works Superintendent or his designee or a member of the Shade Tree Advisory Board personally inspects the site with the person(s) who will be doing the concrete repair.
  - E. Proper placement and construction methods shall be determined at this time.
  - F. Guidelines determined by the borough designees shall be adhered to.
2. The Borough of Collingswood is highly interested in maintaining the beauty of its tree-lined streets by protecting the roots during concrete repair. Borough ordinances require that every effort be made to completely protect the roots of trees.
3. We fully understand that the contractor has a job to do in a timely and efficient manner. However, the borough will not permit the destruction of our trees by disregarding our ordinances. Penalties will be enforced!
4. Working together in an efficient manner is our goal.

## Appendix A: Approved list of replacement tree species by the Shade Tree Advisory Board

Tall Shade Trees: All American Natives, best for nature and our environment, best for stormwater management. Applicants shall adhere to recommended tree planting times and seasons as provided by the Borough of Collingswood or a certified arborist.

American Elm (*Ulmus americana*)

American Sycamore (*Platanus occidentalis*)

Birches: River birch (*Betula nigra*) & Sweet birch (*Betula lenta*) – both have attractive bark. May be multi-trunk.

Black Cherry (*Prunus serotina*)

Hackberry (*Celtis occidentalis*)

Honey Locust (*Gleditsia triacanthos*) – look for thornless/podless locusts such as 'Skyline' and 'Shademaster'

Lindens: American linden/Basswood (*Tilia americana*)

London plane tree (*Platanus × acerifolia*) – hybrid between American sycamore and Oriental planetree

Maples: Sugar maple (*Acer saccharum*) & Red maple (*Acer rubrum*)

Oaks: (*Quercus* + species) - Red, Scarlet, Sawtooth, Shingle, Southern Red, Swamp White, Willow & White oak;

Sweetgum (*Liquidambar styraciflua*) – the cultivar 'Rotundiloba' has very few seeds.

Tuliptree, Tulip poplar (*Liriodendron tulipifera*)

Tupelo (*Nyssa sylvatica*)

Yellowwood (*Cladrastis lutea*)

**Medium Flowering or Ornamental Trees: all native (25 to 40 feet tall): can be used with permission**

American Hophornbeam/Ironwood (*Ostrya virginiana*)

Dogwoods (*Cornus florida* & *Cornus* 'Steller' series) - native & hybrid trees with showy "flowers" (bracts) of white or pink

Pignut Hickory (*Carya glabra*)

Sassafras (*Sassafras albidum*) – difficult to transplant, so only small container-grown plants should be transplanted; found at specialized 'native plant' nurseries.

Serviceberry (*Amelanchier canadensis* and *Amelanchier arborea*)

Southern magnolia (*Magnolia grandiflora*)

Sourwood (*Oxydendron arboreum*) – Must be planted as small, young specimen.

**Small Flowering or Ornamental Trees: all native, some multi-trunk (10 to 30 feet tall): can be used with permission**

American hornbeam (*Carpinus caroliniana*)

Carolina Silverbell (*Halesia carolina*)

Eastern Redbud (*Cercis canadensis*)

Red Buckeye (*Aesculus pavia*)

Smoke tree (*Cotinus obovatus*)

Sweetbay magnolia (*Magnolia virginiana*)

Winter King Hawthorn (*Crataegus viridis* 'Winter King') - showy red berries in winter; has

thorns Witchhazel: (*Hamamelis virginiana*)

### Evergreen Trees

American Holly (*Ilex opaca*)

Atlantic White Cedar (*Chamaecyparis thyoides*) Bald Cypress (*Taxodium distichum*)

Eastern Red Cedar (*Juniperus virginiana*)

Eastern White Pine (*Pinus strobus*)

### Prohibited Trees

Ash – do not plant until further notice. Ash trees are being killed by EAB (Emerald ash borer). Bradford & Callery pear (*Pyrus* species) – invasive; hazardous as brittle wood causes tree to fall apart. Fringetree – do not plant until further notice; vulnerable to EAB (Emerald ash borer).

Norway maple – a non-native which has become extremely invasive in the northeast USA. Zelkova – a non-native which has been over-planted in NJ and which has become invasive. Pin oaks – due to bacterial leaf scorch.