

ORDINANCE 06-24

AN ORDINANCE OF THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING THE TOWNSHIP TREE REPLENISHMENT REQUIREMENTS

WHEREAS, Chapter 535, Trees and Vegetation, Article I, Tree Removal, of the Code of the Township of Denville governs requirements for tree removal, permits, exemptions and fees; and

WHEREAS, Section 535-10.1 establishes the formula for calculating tree replacement requirements; and

WHEREAS, a number of development projects were approved prior to the adoption of Article I; and

WHEREAS, while legal authority supports the validity of tree ordinances and contributions for the replacement of trees, such decisions and ordinances have recognized a per-acre contribution cap; and

WHEREAS, accordingly, the Township desires to amend Section 535-10.1 to establish a tree replacement cap of \$27,000 per acre for development projects approved on or before December 31, 2023 and \$35,000 per acre for development projects approved on or after January 1, 2024.

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the Township of Denville, County of Morris, State of New Jersey, as follows:

SECTION 1. Chapter 535, Trees and Vegetation, Article 1, Tree Removal, § 535-10.1, Tree replacement requirements, is hereby amended to establish new paragraph (4) to read as follows:

- (4) The following per-acre tree replacement cap amounts shall apply:
 - (a) \$27,000 per acre for properties obtaining zoning or site plan approval on or before December 31, 2023.
 - (b) \$35,000 per acre for properties obtaining zoning or site plan approval on or after January 1, 2024. This cap base amount shall increase on January 1st of each year thereafter in an amount equivalent to the most recent cost of living increase established by the Social Security Administration.

SECTION 2. Ordinances, resolutions, regulations or parts of ordinances, resolutions and regulations inconsistent herewith are hereby repealed to the extent of such inconsistencies.

SECTION 3. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, such a decision shall not affect the remaining portions of this Ordinance.

SECTION 4. This Ordinance shall take effect twenty (20) days following final passage, approval, and publication as required by law.

BY ORDER OF THE MUNICIPAL COUNCIL OF
THE TOWNSHIP OF DENVILLE

ATTEST:

APPROVED:

MATTHEW N. BANSCH
MUNICIPAL CLERK

MAYOR THOMAS W. ANDES
TOWNSHIP OF DENVILLE

I hereby certify the foregoing to be a true copy of an ordinance adopted by the Municipal Council of the Township of Denville at its meeting held on April 16, 2024.

Matthew N. Bansch, Municipal Clerk