

Introduced: May 28, 2024
Adopted: June 10, 2024

TOWNSHIP OF EASTAMPTON
BURLINGTON COUNTY, NEW JERSEY

ORDINANCE NO. 2024-7

AN ORDINANCE OF THE TOWNSHIP OF EASTAMPTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, FOR REMOVAL AND REPLACEMENT OF TREES

WHEREAS, the New Jersey Department of Environmental Protection (“NJDEP”) requires the Township to adopt new stormwater-related mandates for tree removal & replacement; and

WHEREAS, the requirements are used to reduce soil erosion and pollutant runoff, promote infiltration of rainwater into the soil, and protect the environment, public health, safety, and welfare of the Township.

NOW, THEREFORE, BE IT HEREBY ORDAINED, by the Township Council of the Township of Eastampton, County of Burlington, State of New Jersey, as follows:

SECTION I. Chapter 499 entitled “Trees” is hereby added to the Code of the Township of Eastampton to read as follows:

§ 499-1 Purpose.

An ordinance to establish requirements for tree removal and replacement and penalties for noncompliance in the Township of Eastampton to protect the environment, public health, safety and welfare.

§ 499-2 Definitions.

For the purpose of this chapter, 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" mean the requirement is always mandatory and is not merely directory.

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

“**Balled-and-Burlapped**” means a tree prepared for transplanting by allowing the roots to remain covered by a ball of soil around which canvas or burlap is tied according to American Standard for Nursery Stock (ANSI Z60.1).

“**Caliper**” means the diameter of a tree trunk measured, in inches, six (6) inches above ground level for trees up to four (4) inches in diameter and measured twelve (12) inches above ground level for trees over four (4) inches in diameter.

“**Diameter at Breast Height (DBH)**” means the diameter of the trunk of a tree generally measured at a point four and a half feet above ground level from the downhill side of the tree.

“**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.

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).

“**Height of Conifers**” means a measurement taken at the midpoint between the uppermost whorl(s) and the tip of the leader from the top of the root flare according to American Standard for Nursery Stock (ANSI Z60.1).

“**Homeowner**” means a person(s) who owns a residence.

“**Nuisance tree**” means any tree, or limb thereof, that has an infectious disease or insect; is dead or dying; obstructs the view of traffic signs or the free passage of pedestrians or vehicles; is causing obvious damage to structures (such as building foundations, sidewalks, etc.); or threatens public health, safety, and welfare.

“**Person**” means any individual, corporation, company, partnership, firm, association, political subdivision of this State and any state, interstate or Federal agency.

“**Planting strip**” means the part of a street right-of-way between the abutting property line and the curb or traveled portion of the street, exclusive of any sidewalk.

“**Street Tree**” means a tree planted in the sidewalk or a planting strip in the public right-of-way.

“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.

1. “Deciduous Tree” means a tree that sheds all leaves annually at the end of the growing season and then has a dormant period without leaves.
2. “Coniferous Tree” means a tree that produces cones and has leaves that do not fall off in winter; also known as evergreen trees.

“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, and improper grading and/or soil compaction 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 tree treatments intended to manage invasive species.

“Tree of Significance” means any tree that is recognized by the municipal governing body or local historical organization(s) as being of significance due to its size, unique value, age, rarity, or the aesthetic, botanical, ecological, and historical value.

§ 499-3 Regulated Activities.

A. Application Process.

1. Any person planning to remove a street tree with DBH of 13” or more or any non-street tree with DBH of 13” or more on their property shall submit a Tree Removal Application to the Municipal Clerk. No tree shall be removed until municipal officials have reviewed and approved the removal.
2. Tree removal permits shall be issued by the Zoning Officer or his or her designee. Application shall be in a form specified by the Municipal Clerk or his or her designee, and shall contain the name and address of the owner of the lands upon which the trees sought to be removed are located; the authority of the person, corporation or entity applying for the permit to remove the trees; the type, size and location of the trees sought to be removed. The application shall contain such additional information, surveys, plans or certifications as may be required by the Township. No tree shall be removed until municipal officials have reviewed and approved the removal.
3. In no event shall a permit or permits be issued allowing for more than 30% of the trees on any one property to be removed.
4. For larger scale clearing projects over 5,000 square feet the applicant shall submit a tree survey, which determines the number, sizes, and any exemptions of trees.
5. The application fees shall be \$50.00 for each tree to be removed. Said fee may be changed by ordinance at the discretion of the Township Council.

B. Standard for granting or denying a permit; conditions.

1. The following standards shall govern the grant, conditional grant or denial of a tree removal permit in the Township of Eastampton:
 - a. The Zoning Officer shall be satisfied that the removal or destruction of any particular tree which is unique in age, size or type is required for effective utilization of the lands in question.
 - b. The Zoning Officer shall be satisfied that the removal or destruction of trees proposed shall not impair the growth and development of the remaining trees on the lands where the trees are situated or on adjacent lands.
 - c. The Zoning Officer shall be satisfied that adequate precautions shall be taken with respect to the removal of trees, that other trees will not be damaged by mechanical removal, that the roots of the remaining trees will not be cut, that the trees removed will not be buried or burned and that dead trees are not permitted to become harborage for rats or other rodents.
2. The Zoning Officer shall grant or deny any such permit with reference to the standards contained above in § 499-3(B). In applying such standards, the Zoning Officer may condition the grant of the permit upon such reasonable conditions as may be deemed necessary to effectuate the purpose of this chapter.

C. Tree Replacement Requirements

1. Any person who removes one or more street tree(s) with a DBH of 13” or more, unless exempt under § 499-4, shall be subject to the requirements of the Tree Replacement Requirements Table below.
 - a. Replacement tree(s) shall meet the Required Actions in Table below, and shall be planted within twelve (12) months of the date of removal of the original tree(s).
 - b. Replacement tree(s) shall 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.
 - c. Trees planted in temporary containers or pots do not count towards tree replacement requirements.

Tree Replacement Requirements Table	
Tree Removed (DBH)	Required Action
DBH of 13” to 22.99”	Replant 2 trees with minimum DBHs of 6” for each tree removed
DBH of 23” to 32.99”	Replant 3 trees with minimum DBHs of 12” for each tree removed
DBH of 33” or greater	Replant 4 trees with minimum DBHs of 24” for each tree removed
Tree of Significance	Replant 5 trees with minimum DBHs of 36” for each tree removed

D. Replacement Alternatives:

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:

1. Plant replacement trees in a separate area(s) approved by the Township; or
2. Pay a fee of \$250.00 per tree not planted. The fee shall be placed into a fund dedicated to tree planting.

The species type and diversity of replacement trees shall be in accordance with the Tree Species Table below.

Tree Species Table

Deciduous Street Trees	
Botanical Name	Common Name
Acer pseudoplatanos	Planetree maple
Acer rubrum cvs.	Red Maple cultivars
Celtis occidentalis	Common Hackberry
Gleditsia triacanthos inermis cvs.	Thornless Honey Locust cultivars
Platanus x acerifolia	London Planetree

<i>Plantanus occidentalis</i>	American Sycamore
<i>Quercus alba</i>	White Oak
<i>Quercus coccinea</i>	Scarlet Oak
<i>Quercus palustris</i>	Pin Oak
<i>Quercus phellos</i>	Willow Oak
<i>Quercus prinus</i>	Chestnut Oak
<i>Quercus rubra</i>	Northern Red Oak
<i>Tilia Americana</i> cvs.	American Linden cultivars
<i>Tilia cordata</i> cvs.	Littleleaf Linden cultivars
<i>Tilia tomentosa</i>	Silver Linden
<i>Zelkova serrata</i>	Japanese Zelkova
Non-Street Deciduous Trees	
Botanical Name	Common Name
<i>Acer pseudoplatanos</i>	Planetree maple
<i>Acer rubrum</i> cvs.	Red Maple cultivars
<i>Acer saccharum</i> cvs.	Sugar Maple cultivars
<i>Carya glabra</i>	Pignut Hickory
<i>Carya ovate</i>	Shagbark Hickory
<i>Celtis occidentalis</i>	Common Hackberry
<i>Fagus grandifolia</i>	American Beech
<i>Gleditsia triacanthos inermis</i> cvs.	Thornless Honey Locust cultivars
<i>Gymnocladus dioicus</i>	Kentucky Coffeetree
<i>Liriodendron tulipifera</i>	Tuliptree
<i>Nyssa sylvatica</i>	Black Gum
<i>Platanus x acerifolia</i>	London Planetree
<i>Quercus alba</i>	White Oak
<i>Quercus coccinea</i>	Scarlet Oak
<i>Quercus palustris</i>	Pin Oak
<i>Quercus phellos</i>	Willow Oak
<i>Quercus prinus</i>	Chestnut Oak
<i>Quercus rubra</i>	Northern Red Oak
<i>Tilia Americana</i> cvs.	American Linden cultivars
<i>Tilia cordata</i> cvs.	Littleleaf Linden cultivars
<i>Tilia tomentosa</i>	Silver Linden
<i>Zelkova serrata</i>	Japanese Zelkova
Non-Street Coniferous Street Trees	
Botanical Name	Common Name
<i>Abies balsamea</i>	Balsam Fir
<i>Abies concolor</i>	White Fir
<i>Juniperous virginiana</i>	Eastern Red Cedar
<i>Picea abies</i>	Norway Spruce
<i>Picea pungens</i>	Blue Spruce
<i>Pinus banksiana</i>	Jack Pine
<i>Pinus echinata</i>	Shortleaf Pine
<i>Pinus resinosa</i>	Red Pine
<i>Pinus virginiana</i>	Virginia Pine
<i>Pseudotsuga menziesii</i>	Douglas Fir
<i>Tsuga canadensis</i>	Eastern Hemlock

§ 499-4 Exemptions.

A. All persons shall comply with the tree replacement standard outlined above, except in the following cases:

1. Clearing, cutting, and/or removal of trees which is necessary to service, maintain, or ensure the continued safe use of a lawfully existing structure, right-of-way, field, park.
2. Tree farms in active operation, nurseries, fruit orchards, and garden centers.
3. Properties used for the practice of silviculture under an approved forest stewardship or woodland management plan.
4. 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.
5. Approved game management practices, as recommended by the State of New Jersey Department of Environmental Protection, Division of Fish, Game and Wildlife.
6. Nuisance trees may be removed with no fee or permit, and with no replacement requirement. (Ex: Bamboo)
7. Any tree located on publicly owned land and removed by the public agency or its representatives regarding trees located on Township property.
8. Trees removed in conjunction with additions to existing single family residential units, and the construction of permitted accessory structures, such as decks, patios, swimming pools, sheds, etc. Tree removals may extend 15' from said additions and structures to be exempt.
9. One Hundred percent (100%) affordable housing developments.

B. All persons claiming an exemption shall provide proper justification, in writing, to the municipality. Proper justification includes: photographs of all trees to be cut down, a report from a licensed certified tree expert, and/or a copy of a quote from a tree removal company.

§ 499-5 Enforcement.

This ordinance shall be enforced by the Code Enforcement Officer or their designee during the course of ordinary enforcement duties.

§ 499-6 Violations and Penalties.

Any person firm, partnership, corporation, association or other legal entity who is found to be in

violation of the provisions of this chapter shall be subject to a fine of \$250.00 per tree for the first offense, and \$500.00 per tree for every offense thereafter. Each tree removed or damaged in violation of this chapter shall be deemed a separate offense. The removal of a tree of significance is not subject to a fine limit.

§499-19 Prohibitions.

No debris, limbs, or other materials may be dropped upon any paved street, sidewalk, or curb while in the course of cutting or removing any trees within the Township.

499-20 Waste Disposal.

Waste generated as a result of a contractor/homeowner removing trees must be removed and disposed of at the contractor/homeowner's cost at the time the trees are removed. Anyone receiving permission to remove a tree in the right-of-way must also remove the tree stump to a depth of 12". Any person who shall violate this article shall, upon conviction thereof, be subject to the penalty set forth in Chapter 1, Article II, Penalties for Violations, of the Township Code. For purposes of this article, each day shall constitute a separate offense.

C. Private property owners are responsible for the care of all trees on their property up to and including the curb line. Should a tree interfere with utility lines or sight lines or the flow of traffic, the Director of Public Works, other government agencies, or utility agencies shall have the authority to trim or otherwise alleviate the interference.

SECTION 2. If any section, paragraph, subsection, clause, or provision of this Amendment shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective;

SECTION 3. If any ordinances or parts thereof are in conflict with the provisions of this Ordinance those provisions shall be repealed to the extent of such conflict.

SECTION 4. This Ordinance shall take effect upon passage and publication in accordance within applicable law.

SECTION 5. SEVERABILITY.

Where any section, subsection, sentence, clause, or phrase of these regulations is, for any reason, declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof, other than the part so declared.

SECTION 6. EFFECTIVE DATE.

This ordinance shall take effect on June 10, 2024.

Adopted: June 10, 2024

ATTEST:

Kim-Marie White
Municipal Clerk

Dominic F. Santillo
Mayor

Introduction: May 28, 2024

Council	Motion	2 nd	Ayes	Nays	Abstain	Absent
Councilman Apgar			✓			
Councilman Rodriguez	✓		✓			
Councilman Springer						✓
Councilman Zeno		✓	✓			
Mayor Santillo			✓			
		VOTE	4	0		

Adoption: June 10, 2024

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Councilman Apgar						
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Councilman Zeno						
Mayor Santillo						
		VOTE				