

ORDINANCE # 24 - 14

**ORDINANCE REPEALING CHAPTER 390, SHADE TREES AND SHRUBBERY
AND ADOPTING A NEW CHAPTER 390 TO BE TITLED "SHADE TREE
REMOVAL – REPLACEMENT" OF THE CODE BOOK OF THE BOROUGH OF
GLASSBORO**

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Glassboro, County of Gloucester and State of New Jersey, that Chapter 390, Shade Trees and Shrubbery, is hereby repealed and a new Chapter 390 is hereby adopted to read as follows:

Section 1. Short title.

This Chapter shall be recognized and may be cited as the "Borough of Glassboro Shade Tree Removal-Replacement Chapter."

Section 2. Purpose.

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

B.

In addition, it is the purpose of this Ordinance to provide for flexible requirements that recognize changes that have occurred in the field, such as improvements to species. Therefore, an applicant may submit proofs indicating how technological advances in certain species possibly make such trees suitable for use in the Borough. Conversely, trees which are now acceptable may be unacceptable at some future time due to the introduction of diseases into the area.

Section 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. 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

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

BERM

A mound of soil on a site used as a view obstruction or to vary the grade pattern, either natural or manmade.

BUFFER

An area within a property or site generally adjacent to and parallel with the property line, consisting of either natural existing vegetation or created by the use of trees, shrubs, fences and/or berms designed to continuously limit view of the site from adjacent sites or properties.

CRITICAL ROOT RADIUS

“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’.

DIAMETER AT BREAST HEIGHT

“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.

DECIDUOUS TREES

Plants that drop their leaves before becoming dormant in winter; not evergreens.

EVERGREEN TREES

A plant that does not lose its leaves during the winter.

GROUND COVER

Low growing plants or sod that in time forms a dense mat covering the area in which it is planted preventing the growth of unwanted plants while holding the soil in place.

HAZARD 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.

{The Borough of Glassboro reserves the right to require a Licensed Tree Expert to make all Hazard tree determinations as followed:}

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).

HOMEOWNER

Means a person(s) who owns a residence.

MULCH

Any covering placed on soil to conserve moisture, eliminate weed growth and protect plants from extremes of heat and cold.

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 foundation, sidewalks, etc.) or threatens public health, safety, and welfare.

PERSON

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

PLANT CONSTRUCTION

As applied to public utility companies, shall mean poles, wires, cables, subsurface conduits, pipes, manholes and appurtenant facilities of such companies installed in the street.

PLANTING STRIP

“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.

PUBLIC UTILITY COMPANY

Refers to a public utility as defined in the Revised Statutes of the State of New Jersey (N.J.S.A. 48:2-13).

RESIDENT

“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.

SCREEN

A structure or plantings providing a continuous view obstruction within the site or property consisting of fencing, berms and/or evergreen trees or shrubs.

SHADE TREE COMMITTEE

Designated employees from the Code Office and Highway Department of the Borough of Glassboro, which has assumed the duties of the previous Shade Tree Commission.

SHRUBS

Any plants, deciduous or evergreen, generally multi-stemmed, classified in size by height and spread.

STREET

A.

Any public street designated by the governing body and Subsections **B.**, **C.** and **D.** of this definition, if applicable.

B.

Municipal parks and parkways.

C.

County roads.

D.

State highways.

STREET TREE

“Street Tree” means a tree planted in the sidewalk planting strip, within ten feet of the sidewalk, 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

“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.

TREE CALIPER

“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.

TREE REMOVAL

“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 substance 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 treatment 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.

Section 4. Landscape plan required; creativity.

All preliminary and final site plan and major sub-division review plans submitted to the Planning Board or Zoning Board of Adjustment for approval, except minor subdivisions, shall contain a landscape plan. The landscape plan shall be prepared by a landscape architect, whose name and address shall appear on the plan. Wherever possible, the landscape architect shall promote creativity in design locations and selection of species. For example, instead of planting trees in straight rows, the landscape architect might group trees into clusters with different combinations of species in each cluster.

Section 5. Plan requirements.

All plans shall comply with Ch. 107-48.1 of the Borough of Glassboro Development Regulations

Section 6. Selection of species.

The applicant shall select deciduous, evergreen and groundcover species that are typically found in this area. The species utilized shall be appropriate for the site, considering soil and wind conditions, slope, and use of the site and purpose of the plantings.

Section 7. Powers of Shade Tree Committee.

The Shade Tree Committee organized under this chapter shall have the power to:

A.

Exercise full and exclusive control over the regulation, planting and care of shade trees and ornamental trees and shrubbery now located or which may hereafter be planted in any public highway, park or parkway, except such as are excluded pursuant to § 390-1 of this chapter, including the planting, trimming, spraying, care and protection thereof.

B.

Administer the permitting process for tree removal and replacement set forth in this Chapter.

C.

Move to require the removal of any tree or part thereof dangerous to public safety.

D.

Regulate and control the use of the ground surrounding the same, so far as may be necessary for their proper growth, care and protection.

E.

Administer treatment to or remove any tree situated upon private property which is believed to harbor a disease or insects readily communicable to neighboring healthy trees in the care of this municipality, and enter upon private property for that purpose, with the consent of the owner thereof, provided the suspected condition is first confirmed by certificate issued by or on behalf of the New Jersey Department of Agriculture.

F.

Encourage arboriculture.

Section 8. Permits required.

No persons shall do any of the following acts without obtaining the proper permit from the Borough of Glassboro:

A.

Cut, prune, climb with spikes, break, damage or remove or kill any street tree.

B.

Cut, disturb or interfere in any way with any root of any street tree.

C.

Spray with any chemical any street tree.

D.

Fasten any rope, wire, sign or other device upon any street tree. (Nothing herein shall prevent any governmental agency from affixing, in a manner approved by the Shade Tree

Commission, a public notice upon a tree in connection with administering governmental affairs.)

E.

Activities covered in Section 13 (Regulated Activities).

F.

Conduct razing, removal or renovation of any structure if deemed by the Committee to be damaging to neighboring street trees.

G.

Place or distribute chemicals, including, but not limited to, salt, deleterious to a street tree's health.

H.

Maintain a stationary fire or device which vaporizes noxious fumes deleterious to a street tree's health.

I.

Remove soil, either for trenching or otherwise.

J.

Construct new sidewalks and/or driveways with any material whatsoever within five feet of a tree.

K.

Plant street tree or shrub.

Section 9. Blanket permits for public utility companies; applications for permits.

A.

The Committee may grant to public utility companies a blanket permit for:

(1)

Tree pruning for line clearance; and

(2)

The installment and maintenance of subsurface and aboveground plant construction if there is interference with or endangerment to street trees.

B.

Public utility companies may, during periods of emergency without specific prior permit:

(1)

Install temporary attachments to trees; and

(2)

Make emergency subsurface repairs.

C.

Each public utility company shall exercise reasonable diligence in the maintenance of its plant construction so as to avoid damage to trees under the jurisdiction of the Glassboro Shade Tree Committee.

D.

Requests for permits required by the provisions of this chapter for the performance of work should be directed to the Code Enforcement Office, Borough of Glassboro, Gloucester County, New Jersey.

Section 10. Damaging trees; exclusion of county parks.

A.

No statute giving any person or state, county or municipal board, body or official power or authority to lay any sidewalk along, or to open, construct, curb or pave, any street, or to do any similar act, shall be construed to permit or authorize any interference with or injury to a highway shade tree without the consent of the Shade Tree Commission within whose jurisdiction such tree shall be located. In all cases, such Commission shall reasonably cooperate with such persons, board, body or official for the general public good.

B.

Nothing contained in this chapter shall be held to take away or diminish any of the powers or authority of the Gloucester County Park Commission over the trees or shrubbery in any Gloucester County park or parkway within its jurisdiction, or to give any other commission or board any power or authority with respect to such trees or shrubbery.

Section 11. Annual appropriation.

A.

The governing body of this municipality shall annually appropriate such sum as it may deem necessary for the following purposes.

(1)

Payment of wages and salaries of employees.

(3)

Purchase of trees and shrubbery.

(4)

Purchase of necessary equipment and materials and the cost of services for the prudent promotion of the work.

Section 12. Prohibited street trees.

The following trees shall be prohibited along the streets, unless approved by the Borough:

Accolade Flowering Cherry

Amur Maple

Crape Myrtle

Eastern Redbud

Dogwood

Ivory Silk Tree Lilac

Juglans, all species (walnut).

Kalopanax Pictus (caster aralia).

Liquidambar Styraciflua (sweet gum).

Maclura Pomifera (osage orange).

Malus, all species (crab apple).

October Glory Red Maple

Paperback Maple

Queen Elizabeth Hedge Maple

Salix, all species (weeping willow).

Silver maple.

Sugar Maple

Thornless Honey Locust

All trees with thorns, such as Aralia Elata (Japanese angelica), the Crataegus species (hawthorn) and Gleditsia Triacanthos (common honey locust).

Section 13. REGULATED ACTIVITIES and 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 Borough of Glassboro Code Office. **No tree shall be removed until municipal officials have reviewed and approved the removal.** *[For larger scale clearing projects, the Borough of Glassboro reserves the right to require a tree survey be submitted as part of the application to determine number, sizes, and exemptions of trees for the assessment of fees]*

2. Tree Replacement Requirements

A. 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.

B. 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 species type and diversity of replacement trees shall be in accordance with all indigenous trees but not limited to the list in Appendix A:

3. **Replacement tree(s):**
- A. Shall 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;
 - B. Shall 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;
 - C. 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; and
 - D. Shall not be planted in temporary containers or pots, as these do not count towards tree replacement requirements.
 - E. Shall not be planted between the sidewalk and the curb or roadway.

Section 14. Fees.

1. Site Plan/Subdivision Applications

The landscape plan shall be submitted concurrent with applications for preliminary and site plan review approval, and therefore no additional fees shall be charged under this article. All expenses for legal, engineering or planning work required by the specific Land Use Board for approval in connection herewith shall be authorized, paid and funded out of the escrow accounts set up as part of the fee and escrow structure under the applicable Borough of Glassboro ordinances.

2. Single Lot Applications

Refer to table below

Tree Replacement Requirements Table:

Category		Tree Removed (DBH)	Tree Replacement Criteria (See Appendix A)	Application Fee
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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	\$40.00
2	DBH of 13" to 22.99"	Replant 2 trees with minimum tree calipers of 1.5" for each tree removed	\$60.00
3	DBH of 23" to 32.99"	Replant 3 trees with minimum tree calipers of 1.5" for each tree removed	\$80.00
4	DBH of 33" or greater	Replant 4 trees with minimum tree calipers of 1.5" for each tree removed	\$100.00
5	Tree of Significance	Replant 5 trees with minimum DBHs of 1.5" for each tree removed	\$200.00

Section 15. 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. Supply replacement tree(s) to be planted in a separate area(s) approved by the municipality .
- b. Pay a fee of \$250.00 per tree removed. This fee shall be placed into a fund dedicated to tree planting and continued maintenance of the trees.

Section 16. 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. The Borough of Glassboro defines "*proper justification*" as photos or statements from NJ licensed tree expert as per NJ Statute 45:15C-11 or arborist.];

- A. 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, and/or garden.
- 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;

Section 17. Enforcement:

This ordinance shall be enforced by the Glassboro Police Department, the Borough of Glassboro's Code Enforcement Office, or other municipal officials of the Borough of Glassboro during the course of ordinary enforcement duties.

Section 18. Violations and Penalties & disposition of moneys collected:

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine of \$1,500.00. The Borough of Glassboro may require the planting of additional trees in lieu of the fine. The removal of a tree of significance is not subject to the fine limit.

Disposition of penalties. All moneys collected, either as fines or penalties, for any violation of a rule or regulation of the Shade Tree Committee enacted by ordinance, or as a charge against real estate under any provision of this chapter, shall be forthwith paid over to the custodian of the municipal funds.

Section 19. Repealer

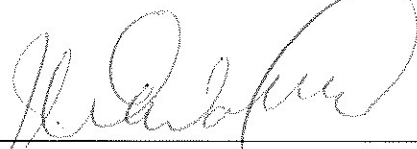
All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistencies.

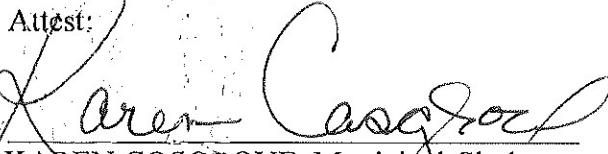
Section 20. Severability

Each section of this Ordinance is an independent section, and the holding of any section or part thereof to be unconstitutional, void or ineffective, shall not be deemed to affect the validity or constitutionality of any other sections or parts hereof.

BE IT FURTHER ORDAINED that this Ordinance shall take effect immediately upon final passage and publication as required by law.

BOROUGH OF GLASSBORO


JOHN E. WALLACE, III, Mayor

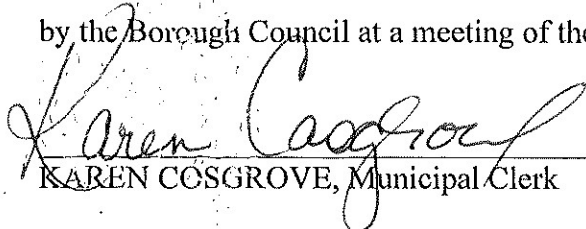
Attest:

KAREN COSGROVE, Municipal Clerk

ROLL CALL VOTE				
	AYES	NAYS	ABSTAIN	ABSENT
Mr. Brown	✓			
Mr. Cossabone	✓	/	/	/
Ms. Garlic	✓			
Mr. Halter	✓	/	/	/
Ms. Miller	✓			
Ms. Spence	✓	/	/	/
TALLY:	6	0	0	0

INTRODUCTION: 04-09-2024
PUBLIC HEARING: 05-14-2024

CERTIFICATION

I, Karen Cosgrove, Municipal Clerk, the Borough of Glassboro, in the County of Gloucester, do hereby certify that the foregoing Resolution was presented and duly adopted by the Borough Council at a meeting of the Borough of Glassboro held on May 14, 2024.


KAREN COSGROVE, Municipal Clerk

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