

## ORDINANCE O-23-23

### AN ORDINANCE OF THE TOWNSHIP OF HOWELL AMENDING CHAPTER 188 LAND USE, ARTICLE XXII (22) WOODLANDS MANAGEMENT SECTION 195 WAIVERS OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF HOWELL

**BE IT HEREBY ORDAINED** by the Township Council of the Township of Howell that Chapter 188, Article XXII (22), Section 195 Waivers of the Revised General Ordinances of the Township of Howell is hereby amended as follows:

**NOTE:** All *additions* are shown in ***bold italics with underlines***. All *deletions* are shown in ***bold italics with strikeouts***.

**SECTION 1.** Chapter 188, Article XXII (22), Section 195 Waiver is hereby amended as follows:

#### **§ 188-195**

Waivers.

- A. On-site replacement trees. All required replacement trees shall be planted on the site from which trees were removed if possible. A waiver from any portion or all of the required on-site replacement may be granted by the approving board and shall be based upon documented practical physical difficulties and undue hardship related to conditions of the site from which trees are to be removed. The comments and recommendations of the Board Engineer in consultation with the ***Certified Licensed*** Tree Expert, Shade Tree Commission and Environmental Commission shall be solicited in determining whether the requested waiver is required.
- B. Off-site replacement trees. In lieu of replanting trees on the removal site, applicant shall have the option of planting replacement trees of type(s) selected by the ***Certified Licensed*** Tree Expert from the approved list of trees contained in this article at an off-site location chosen by the board in jurisdiction in consultation with the ***Certified Licensed*** Tree Expert, Shade Tree Commission and Environmental Commission. Such off-site locations shall be restricted to Township-owned public property, including but not limited to public parks and public buildings.
- C. Township Tree Fund. In the alternative, should the quantity of the trees to be removed be greater than the tree replacement/landscaping plan due to limited available planting area, the applicant may make contribution to be deposited in the Township Tree Fund as established by this article. The contribution, in lieu of planting of trees, shall be ~~\$300~~ ***\$400*** per tree. Contribution from the applicant shall not exceed the total sum of ~~\$35,000~~ ***\$45,000*** per developed acre. [Amended 4-26-2005 by Ord. No. O-05-1]

**SECTION 2. REPEALER**

The remainder of all other sections and subsections of the aforementioned ordinances not specifically amended by this Ordinance shall remain in full force and effect.

**SECTION 3. INCONSISTENT ORDINANCES**

All other Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistency

**SECTION 4. SEVERABILITY**

If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of this Ordinance shall be deemed valid and effective.

**SECTION 5. EFFECTIVE DATE**

This Ordinance shall take effect upon its passage and publication according to law.

**NOTICE**

The Ordinance published herewith was introduced and passed on first reading by the Township Council of the Township of Howell on July 18, 2023 and will be further considered for final passage and adoption at the Township Municipal Building on 4567 Route 9 North, Howell, New Jersey on August 15, 2023 at 7:00 p.m. or as soon thereafter as the matter can be reached on the Agenda, at which time and place all persons interested therein shall be given an opportunity to be heard and during the week prior thereto, and up to, and including, the date of such meeting, copies of said Ordinance will be available at the Clerk's Office in the Township of Howell Municipal Building to the members of the general public who shall request same.

**Introduction:**

COUNCIL	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Councilwoman Fischer</i>			X			
<i>Councilman Gasior</i>		X	X			
<i>Councilman Nadel</i>	X		X			
<i>Deputy Mayor O'Donnell</i>			X			
<i>Mayor Berger</i>						X

I, Diane Festino, Municipal Clerk of the Township of Howell, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Mayor and Township Council, at its Meeting held July 18, 2023. WITNESS my hand this 19<sup>th</sup> day of July 2023.

*Diane Festino*  
DIANE FESTINO, Municipal Clerk

This is to certify that the foregoing Ordinance was adopted by the Township Council at a regular meeting of the Township of Howell held on August 15, 2023.

**Adoption:**

COUNCIL	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Councilwoman Fischer</i>			X			
<i>Councilman Gasior</i>		X	X			
<i>Councilman Nadel</i>			X			
<i>Deputy Mayor O'Donnell</i>	X		X			
<i>Mayor Berger</i>			X			

I, Diane Festino, Municipal Clerk of the Township of Howell, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Mayor and Township Council, at its Meeting held August 15, 2023. WITNESS my hand this 16<sup>th</sup> day of August 2023.

*Diane Festino*  
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**DIANE FESTINO, Municipal Clerk**

**EXPLANATORY STATEMENT:** An Ordinance by the Township Council of the Township of Howell Amending Chapter 188, Article XXII (22), Section 195 Waivers of the Revised General Ordinances of the Township of Howell to increase the amount of contribution under subsection C of the ordinance.