

ORDINANCE NO. 05 - 2026

**ORDINANCE OF THE TOWNSHIP OF LIVINGSTON AMENDING
CHAPTER 306, TREES, OF THE TOWNSHIP CODE**

WHEREAS, the Township Council has previously adopted Chapter 306, Trees, of the Township Code for the purposes provided therein, including preserving and protecting trees in the Township, regulating the removal of trees, and providing for the replacement of removed trees; and

WHEREAS, § 306-8. Performance and maintenance guarantees, requires the posting of a performance guarantee to ensure the completion of an approved tree replacement plan through the planting of the required replacement trees; and

WHEREAS, the failure to complete a required tree replacement plan results in the forfeiture of the performance bond to the Township's Tree Trust Fund; and

WHEREAS, with input from the Zoning Officer, Construction Official and Township Manager, the Township Council has determined that the current formula to establish the amount of required performance bonds is inadequate to facilitate completion of tree replacement plans, with permit holders instead electing to simply forfeit the bond, resulting in replacement trees not being planted, contrary to the intent of Chapter; and

WHEREAS, the Township Council has determined it to be necessary and appropriate to increase the required performance bond to an amount sufficient to incentivize and facilitate the actual replacement of trees as intended.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Livingston, in the County of Essex, State of New Jersey, as follows:

Section 1. The following sections of Chapter 306 of the Township Code are hereby amended as follows:

Deletions in ~~strikethrough~~

Additions in **bold underline**

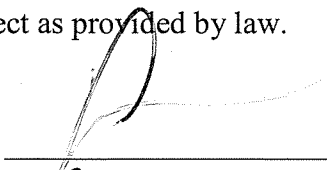
§ 306-8. Performance and maintenance guarantees.

A. Performance guarantee. A performance guarantee **in the amount per tree established by Resolution of the Township Council for each replacement**

tree required pursuant to § 306-6.D. above ~~in an amount determined by the Administrator to cover the cost of performing the tree replacement plan, and such soil stabilization as the Township Engineer shall find necessary,~~ shall be submitted by the applicant upon issuance of a tree removal permit or approval by a Board of an application for development that includes tree removal.

Section 2. Except as hereby amended, Chapter 306 of the Township Code shall remain in full force and effect.

Section 3. This Ordinance shall take effect as provided by law.



Shawn Klein, Mayor



Carolyn Mazzucco, RMC
Township Clerk

Introduced: February 9, 2026

Adopted: March 16, 2026