

**PILESGROVE TOWNSHIP
ORDINANCE NO. 24-09
AN ORDINANCE AMENDING
PILESGROVE TOWNSHIP CODE CHAPTER 145 "LAND USE"**

BE IT ORDAINED by the Township Committee of the Township of Pilesgrove that the following section be amended in Chapter 145, Land Use, of the Code of the Township of Pilesgrove:

Section 145-28.4 Tree Removal Replacement Ordinance 24-01 Shall be Amended to Read as

Followed:

B. Definitions:

- A. "Applicant" means any "person", as defined below, who applies for approval to remove trees regulated under this ordinance.
- B. "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'.
- C. "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.
- D. "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, Agriculture land/Structures, etc.); or
 - 5. Is determined to be a threat to public health, safety, and/or welfare by a certified arborist or LTE.

- E. "Nuisance Tree" any tree that is causing damage to a resident's property, the principal building, or any accessory structures located on the property.
- F. "Person" means any individual, resident, corporation, utility, company, partnership, firm, or association.
- G. "Planting strip" means the part of a street right-of-way between the public right-of-way adjacent to the portion of the street reserved for vehicular traffic the abutting property line and the curb or traveled portion of the street, exclusive of any sidewalk.
- H. "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.
- I. "Street Tree" means a tree planted in the sidewalk, planting strip, and/or in the public right-of-way adjacent to the portion of the street reserved for vehicular traffic. This also includes trees planted in planting strips within the roadway right-of-way, i.e., islands, medians, pedestrian refuges.
- J. "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.
- K. "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.
- L. "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, over-mulching or improper mulching, and improper grading and/or soil compaction within the critical root radius 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 treatments intended to manage invasive species.

D. Exemptions Shall be Replaced in its Entirety with the Following:

All persons shall comply with the tree replacement standard outlined above, except in the cases detailed below. Proper justification including pictures shall be provided, in writing, to the municipality by all persons claiming an exemption.

- A. Residents who remove less than four (4) trees per acre that fall into category 1, 2, or 3 of the Tree Replacement Requirements Table within a five-year period. [The number of trees removed is a rolling count across a five-year period. For example, if 3 trees from category 1 are removed in July 2023, the 'count' resets to zero in July 2028. However, if 1 tree from category 1 is removed in July 2023 and another in July of 2025 the first tree will come off the count in July 2028 and the second in July 2030.]
- 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 and all trees on land used for Agriculture.
- E. Any tree that is a Nuisance.
- F. 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.
- G. 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;
- H. Approved game management practices, as recommended by the State of New Jersey Department of Environmental Protection, Division of Fish, Game and Wildlife;
- I. Hazard trees may be removed with no fee or replacement requirement.
- J. Trees removed from properties zoned as Agriculture/Farmland
- K. Trees under electric wires that pose a hazard.
- L. Tree grown for timbering activities

Effective Date:

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.


Dave Bonowski, Deputy Mayor

ATTEST:

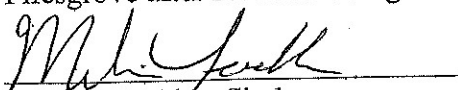

Melissa Fackler, Clerk

July 9, 2024

Notice is hereby given that the foregoing proposed Ordinance was introduced by the Township Committee of the Township of Pilesgrove at a meeting held on June 5, 2024 and will be considered for final passage after a public hearing at a meeting to be held by the Township Committee of Pilesgrove Township at the Pilesgrove Township Municipal Building, 1180 Route 40, Pilesgrove, NJ 08098 on July 9 2024 at 7:00 PM.

CERTIFICATION

I hereby certify this to be a true copy of an Ordinance adopted by the Township Committee of the Township of Pilesgrove after second reading and a public hearing held the 9th day of July, 2024.


Melissa Fackler, Clerk