

ORDINANCE NO. 2024-08

**AN ORDINANCE OF THE TOWNSHIP OF QUINTON AMENDING THE
QUINTON TOWNSHIP CODE CHAPTER 216, STORMWATER
MANAGEMENT TO INCLUDE TREE REMOVAL AND REPLACEMENT
TO COMPLY WITH THE REQUIREMENTS OF THE NJDEP TIER A
STORMWATER GENERAL PERMIT**

WHEREAS, The Township Committee of the Township of Quinton have determined the necessity of certain amendments the Chapter 216, Storm Water Management, of the Code of Quinton Township to add Tree Removal and Replacement in order to comply with conditions required by the New Jersey Department of Environmental Protection for the Tier A Municipal Stormwater General Permit;

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Quinton, in the County of Salem and State of New Jersey, and it is hereby enacted and ordained by the authority of same as follows:

SECTION I. Purpose:

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

SECTION II. 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.

- A. "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.

- B. "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;
 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 the municipal property maintenance/health officer.
- C. "Person" means any individual, resident, corporation, utility, company, partnership, firm, or association.
- D. "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.
- E. "Resident" means an individual who owns a residential property or contractor hired by the individual who owns a residential property where a tree(s) regulated by this ordinance is removed or proposed to be removed.
- F. "Street Tree" means a tree planted in the sidewalk, planting strip, and/or in the public right-of-way adjacent to (or specified distance from) 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.
- G. "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.
- H. "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.
- I. "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, 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.

SECTION III. Regulated Activities:

A. Process:

1. Land Use applications for a Grading Plan, Preliminary Major Subdivision, Minor Site Plan or Preliminary Major Site Plan shall include a tree location plan in areas of disturbance. The plan should include the number of trees to be removed and a planting plan with the required tree replacement.

B. Tree Replacement Requirements

1. 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.
2. Any person, who removes 5 or more tree(s), as defined as Tree removal, with a DBH of 6" or more per lot in a one year period, unless otherwise exempt under Section IV, shall be subject to the requirements of the Tree Replacement Requirements Table.
3. Other than as stated in Section III.A., an application or permit is not required for the removal or cutting of trees.

The species type and diversity of replacement trees shall be in accordance with Appendix A. Replacement Tree(s) shall:

1. Be replaced in kind with a tree that meets the Tree Replacement Criteria in the table below;
2. 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;
3. Be monitored by the applicant for a period of two (2) planting seasons.
4. Shall not be planted in temporary containers or pots, as these do not count towards tree replacement requirements.

Tree Replacement Requirements Table:

Category	Tree Removed (DBH)	Tree Replacement Criteria (See Appendix A)
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1	Street Trees with a DBH of 2.5" or greater	Follow replacement alternatives below
2	DBH of 6" or greater	Replant 1 tree with a minimum tree caliper of 1.5" for each tree removed exceeding 5 trees removed in course of one (1) year
3	DBH of 23" to 32.99"	Replant 3 trees with minimum tree calipers of 1.5" for each tree removed
4	DBH of 33" or greater	Replant 4 trees with minimum tree calipers of 1.5" for each tree removed

C. Replacement Alternatives:

1. For Street Trees and in instances where 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. Plant replacement trees in a separate area(s) approved by the municipality.
 - b. (1) Pay a fee of \$10.00 for Street Trees with a DBH of 2.5" or greater for each Street Tree (2) Pay a fee of \$25.00 for each tree with a DBH of 6.0" removed and not replaced. (3) This fee shall be placed into a fund dedicated to tree planting and continued maintenance of trees.

SECTION IV. Exemptions:

All persons shall comply with the tree replacement standard outlined above, except in the cases detailed below.

- A. Residents who remove less than five (5) trees per acre that fall into category 1 or 2 of the Tree Replacement Requirements Table within a five-year period.
- 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;
- G. Hazard trees.
- H. Trees removed as part of an ongoing active agricultural use needed to support and maintain the agricultural activities.
- I. Trees removed from properties zoned as Agricultural / Farmland.
- J. Trees under electric wires that pose a hazard.
- K. Trees grown for timbering activities.

SECTION V. Enforcement:

Except as to Section III.A. above, this ordinance shall be enforced by the Zoning Officer and/or police department. Public Works Department Staff may conduct spot checks to review exemptions and compliance with the Tree Ordinance.

SECTION VI. Violations and Penalties:

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine not to exceed: a fine up to \$1,000 for each day of violation and/or up to 90 days in jail and/or up to 90 days of community service.

SECTION VII. Severability:

Each section, subsection, sentence, clause, and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause, and phrase, and finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause or reason shall not affect any other portion of this Ordinance.

SECTION VIII. Effective Date:

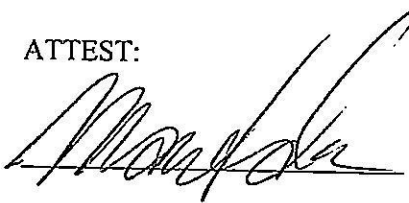
This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

Adoption Date: June 4, 2024

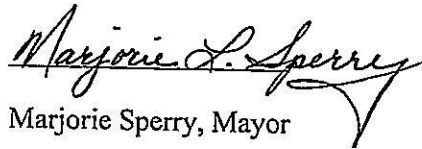
Approved By: Quinton Township Committee

Notice is hereby given that the foregoing proposed Ordinance No. 2024-08 was introduced and passed on first reading by the Township Committee of the Township of Quinton, County of Salem, State of New Jersey, at a regular meeting held on May 7, 2024. A second reading and public hearing on the foregoing Ordinance will be conducted by the Township Committee at a regular meeting to be held on June 4, 2024 at 6:00 p.m., at the Quinton Township Municipal Building in Quinton, New Jersey after which the Ordinance will be considered for final passage.

ATTEST:



Marty Uzdanovics, Township Clerk



Marjorie Sperry, Mayor

CERTIFICATION

I hereby certify the above to be a true copy of an Ordinance introduced and passed by the Township Committee on second reading following a public hearing at a regular meeting held on June 4, 2024.

Marty Uzdanovics, Township Clerk

DATE:

6/4/24

Appendix A

Township of Quinton, County of Salem Trees Prohibited as Replacement Trees

- *Acer palamatum* (Japanese Maple)
- *Acer platanoides* (Norway Maple)
- *Acer saccharinum* (Silver Maple)
- *Betula* sp. (Birch)
- *Carpinus* (Hornbeam)
- *Cornus* (Dogwood)
- *Fraxinus* (Ash)
- *Magnolia*
- *Malus* (Crabapple)
- *Prunus* (Cherry, Plum)
- *Pyrus* (Pear) • *Salix* (Willow)
- *Thuja* (Arborvitae)
- *Tsuga* (Hemlock) (due to invasive insect)
- *Fagus* (Beech) (Due to disease)