

**BOROUGH OF RIVER EDGE
ORDINANCE NO. 24-20**

**AN ORDINANCE AMENDING ORDINANCE NO. 24-10 ENTITLED “AN ORDINANCE
AMENDING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RIVER
EDGE, CHAPTER 384, ENTITLED “TREES””**

BE IT ORDAINED by the Mayor and Council of the Borough of River Edge, County of Bergen, State of New Jersey, as follows:

Section 1. Section 384-3, Duties, of Article I, Shade Tree Advisory Committee, of Chapter 384 entitled “Trees” of the Revised General Ordinances of the Borough of River Edge is hereby amended to read in full as follows:

Chapter 384. Trees

§ 384-3. Duties.

The duties of the Shade Tree Advisory Committee shall be as follows:

- A. The advising of the Mayor and Council, in writing, at least annually, of such policies, practices, procedures, and actions that should be considered for the replacement and preservation of shade trees within the municipality as part of the Borough's overall governmental philosophy.
- B. To advise, through a liaison to be decided by the Mayor and Council, the Department of Public Works concerning the maintenance of shade trees within the Borough and, in general, to be a resource for the Mayor and Council in facilitating the various agents and employees of the Borough in protecting and/or replacing such trees as presently exist.
- C. To generally act as a subject matter expert in preparing reports to the Mayor and Council for submission to the New Jersey Community Forestry Program, coordinating with the Borough Grant Writer for the submission of any grants, and in the absence of a grant writer, submit grant applications associated with shade trees to the Mayor and Council for further action.
- D. Coordinate Arbor Day activities with the River Edge Board of Education and River Dell Board of Education.
- E. The Committee shall meet on a quarterly basis, except for the months of July and August. At least 30 days prior to the end of a calendar year, the Committee shall provide the Borough Clerk with a calendar of meetings for the next year.
- F. Notwithstanding that the Committee is advisory only and not subject to the Open Public Meetings Act (OPMA), meetings shall be held in accordance with the Open Public Meetings Act (OPMA) and the requirements of the Open Public Records Act (OPRA). Agendas must be provided to the Borough Clerk for posting on the Borough website no less than a week prior to the meeting. Minutes of the meeting must be approved at the following meeting and forwarded to the Borough Clerk for posting on the Borough website after approval.
- G. Help the DPW Superintendent or its designee to administer the provisions enumerated in Article IV – Tree Protection.
- H. Such other advisory duties as the Mayor and Council shall, from time to time by resolution, entrust to the Shade Tree Advisory Committee in furtherance of the aforementioned goals and objectives.

Section 2. Section 384-4, Tree planting participation, of Article I, Shade Tree Advisory Committee, of Chapter 384 entitled “Trees” of the Revised General Ordinances of the Borough of River Edge is hereby amended to read in full as follows:

§ 384-4. Tree planting participation.

Members of the Shade Tree Advisory Committee and designated volunteers who have signed a participation agreement and waiver, may plant trees as part of the Borough's shade tree replenishment program in accordance with this section. Volunteers shall not plant any trees without the expressed consent of the DPW Superintendent, Chief of Police, and Director of Recreation and Cultural Affairs. The process shall be as follows:

A. The Advisory Committee shall notify the DPW Superintendent, Chief of Police, and Director of Recreation and Cultural Affairs via email of the proposed tree location.

B. The DPW Superintendent, Chief of Police, and Director of Recreation and Cultural Affairs shall review the location and any other related concerns and shall advise the Advisory Committee whether the tree planting and location are approved or disapproved, together with the reasons therefor, via email. The Borough Administrator shall also be informed of any approved or disapproved planting.

Section 3. Section 384-7, Tree Replacement Requirements, of Article II, Tree Removal and Replacement, of Chapter 384 entitled "Trees" of the Revised General Ordinances of the Borough of River Edge is hereby amended to read in full as follows:

§ 384-7. Tree Replacement Requirements

A. Within a five-year period, any person who removes one or more street tree(s) with a DBH of 2.5" or more, unless exempt under Section 384-8, shall be required to obtain a tree removal permit from the Superintendent or designee of the Department of Public Works and shall be subject to the requirements of the Tree Replacement Requirements Table below.

B. Any person, other than a resident, who removes one or more tree(s) with a DBH of 6" or more per acre, unless exempt under 384-8, shall be required to obtain a tree removal permit from the Superintendent or designee of the Department of Public Works and 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 the most recent list of native trees published by the New Jersey Department of Environmental Protection which shall be listed in Appendix A.

Replacement tree(s) shall:

- 1) Be replaced in kind with a tree that has an equal or greater DBH than the tree removed **or** meet the Tree Replacement Criteria in the table below;
- 2) For non-construction removals, replacement trees must 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) If a construction permit is issued, tree replacement must be completed before a certificate of occupancy is issued by the Building Department.
- 4) Be monitored by the applicant for a period of two (2) years to ensure their survival and shall be replaced as needed within twelve (as) months; and
- 5) Shall not be planted in temporary containers or pots, as these do not count towards tree replacement requirements.
- 6) Permit site will be reinspected before close out of permit.

Tree Replacement Requirements Table:

Category	Tree Removed (DBH)	Tree Replacement Criteria (See Appendix A)
1	DBH of 2.5" (for street trees) or 6" (for non-street trees) to 15.99"	Replant 1 tree with a minimum tree caliper of 1.5" for each tree removed
2	DBH of 16" to 25.99"	Replant 2 trees with minimum tree calipers of 1.5" for each tree removed
3	DBH of 26" to 35.99"	Replant 3 trees with minimum tree calipers of 1.5" for each tree removed
4	DBH of 36" or greater	Replant 4 trees with minimum tree calipers of 1.5" for each tree removed

C. Administration or application fee for the processing of each tree removal permit is \$100. Any subsequent application or request shall be subject to the same fee requirement. All application fees will be deposited into the shade tree fee account.

D. Replacement Alternatives: If the Superintendent or designee of the Department of Public Works or any other entity designated by 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. Plant replacement trees in a separate area(s) approved by the municipality.
- b. Pay a fee of \$400.00 per tree not replanted in accordance with the tree replacement criteria in the above table. This fee shall be placed into the Borough's Shade Tree Trust Fund.

Section 4. Section 384-10, Violations and Penalties, of Article II, Tree Removal and Replacement, of Chapter 384 entitled "Trees" of the Revised General Ordinances of the Borough of River Edge is hereby amended to read in full as follows:

§ 384-10. Violations and Penalties:

Any person(s) who is found to be in violation of the provisions of this ordinance shall upon conviction be subject to a fine of not less than \$100 nor more than \$2,000, imprisonment for a term not to exceed 90 days or community service for a period of up to ninety (90) days, or any combination thereof. In addition, the Borough may recover the sum of \$400 for each tree that would have been required for mitigation pursuant to Section 384-7. Any additional sums recovered shall be deposited into the Borough's Shade Tree Trust Fund.

Section 5. Paragraph A of 384-10, Violations and Penalties, of Article II, Tree Removal and Replacement, of Chapter 384 entitled "Trees" of the Revised General Ordinances of the Borough of River Edge is hereby amended to read as follows:

- A. Any person either (i.) undertaking a regulated project or (ii.) required to obtain a permit for the removal, construction or replacement of a sidewalk pursuant to Section 362-22 of Article IV of Chapter 362 of the Revised General ordinances of the Borough of River Edge with respect to a sidewalk which interferes with, or adversely affects a Borough Shade Tree, shall secure a tree protection permit from the DPW Superintendent and will provide the Borough of River Edge with a cash tree bond in accordance with the Tree Bond Table below for each Borough of River Edge tree adjacent to or on said property for a duration of up to a maximum of three years starting from the time a certificate of occupancy is issued. After two years, the tree/trees will be evaluated by the Committee, and based upon the evaluation, the DPW Superintendent will determine whether the cash bond be extended or utilized to remove and replace any or all of the Borough of River Edge trees at on said property.

Tree Bond Table:

Category	Tree (DBH)	Tree Bond Amount
1	DBH of 2.5" to 15.99"	\$1,500
2	DBH of 16" to 25.99"	\$2,000
3	DBH of 26" to 35.99"	\$2,500
4	DBH of 36" or greater	\$3,000

Section 6. Paragraph C. 1) of Section 384-15, Project permit application process, of Article IV, Tree Protection, of Chapter 384 entitled "Trees" of the Revised General Ordinances of the Borough of River Edge is hereby amended to read as follows:

- 1) The DPW Superintendent or designee shall review the project permit application. The DPW Superintendent or designee shall then provide written notice to the applicant

indicating one of the following determinations and the valuation of regulated trees and landscape bond amount:

- a) The protection permit is granted; or
- b) The project permit is granted subject to prescribed conditions attached to such notice.

Section 7. Paragraph A of Section 384-16, Fees, of Article IV, Tree Protection, of Chapter 384 entitled "Trees" of the Revised General Ordinances of the Borough of River Edge is hereby amended to read as follows:

A. Administration or application fee for the processing of each tree removal permit is \$100. Any subsequent application or request shall be subject to the same fee requirement.

Section 8. Any and all other ordinances or parts thereof in conflict or inconsistent with any of the terms hereof are hereby repealed to such extent as they are so in conflict or inconsistent.

Section 9. In case any article, section or provision of this ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect any other article, section or provision of this ordinance except insofar as the article, section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 10. This Ordinance shall take effect immediately upon final passage and publication as required by law.

INTRODUCED: August 12, 2024

ADOPTED: September 9, 2024

	Motion	Second	Yes	No	Abstain	Absent
Kaufman						X
Montisano-Koen			X			
Kinsella	X		X			
Malellari		X	X			
Benson			X			
Glass			X			
Mayor Papaleo						

I hereby certify the above to be a true copy of an Ordinance adopted by the Governing Body of the Borough of River Edge on September 9, 2024



Anne Dodd, RMC, CMR
Borough Clerk/Assistant Administrator


Thomas Papaleo, Mayor