

ORDINANCE #23-10

AN ORDINANCE ESTABLISHING REQUIREMENTS FOR TREE REMOVAL AND REPLACEMENT AND PENALTIES FOR NON-COMPLIANCE IN THE BOROUGH OF RUNNEMEDE

WHEREAS, the Borough of Runnemede ("Borough") is a municipal entity organized and existing under the laws of the State of New Jersey and located in Camden County; and

WHEREAS, the Borough seeks to establish requirements for tree removal and replacement in the Borough of Runnemede to reduce soil erosion and pollutant runoff, promote infiltration of rainwater into the soil, and protect the environment, public health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Runnemede, County of Camden, State of New Jersey, as follows:

Section 1: Purpose.

This ordinance establishes requirements for tree removal and replacement and penalties for non-compliance in the Borough of Runnemede to protect the environment, public health, safety and welfare.

Section 2: 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, the 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. "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 the tree where the majority of the root system is found. The 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"X 1.5' = 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 the ground level from the uphill side of the tree.
- 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 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, etc.); or
 - 5. Is determined to be a threat to public health, safety, and/or welfare by a certified arborist or LTE.
- E. "Person" means any individual, resident, corporation, utility, company, partnership, firm, or association.
- F. "Planting Strip" means a part of the 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.

- G. "Resident" means an individual who resides on the residential property where a tree(s) regulated by this ordinance is removed or proposed to be removed.
- H. "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.
- I. "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.
- J. "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 at twelve (12) inches above the soil line.
- K. "Tree Removal" means to kill or 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.

Section 3: Regulated Activities.

A. 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, other than a resident, who removes one or more tree(s) with a DBH of 6" or more per acre, unless exempt under Section IV, shall be subject to the requirements of the Tree Replacement Requirements Table.

B. 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. Be planted within twelve (12) months of the date of removal of the original tree(s) or at an alternative date specified by the Borough;
- 3. Be monitored by the applicant for a period of two (2) years to ensure their survival and shall be replaced as needed within twelve (12) months; and
- 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)	Application Fee
1	DBH of 2.5" (for street trees) or 6" (for non-street trees to 12.99"	Replant 1 tree with a minimum tree caliper of 1.5" for each tree removed	\$50
2	DBH of 13" to 22.99"	Replant 2 trees with minimum trees calipers of 1.5" for each tree removed	\$50
3	DBH of 23" to 32.99"	Replant 3 trees with minimum tree calipers of 1.5" for each tree removed	\$50
4	DBH of 33" or greater	Replant 4 trees with minimum tree calipers of 1.5" for each tree removed	\$50

C. Replacement Alternatives:

1. If the Borough of Runnemede 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 separate areas approved by the Borough.
 - b. Pay a fee of **(amount to be set)** per tree removed. This fee shall be placed in a fund dedicated to tree planting and continued maintenance of trees.

Section 4: Exemptions:

All persons shall comply with the tree replacement standard outlined above, except in cases detailed below. Proper justification shall be provided, such as photographs or statements from a New Jersey licensed tree expert, pursuant to N.J.S.A. 45:15C-11 or arborist, in writing, to the Borough of Runnemede 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 2025 the first tree will come off the count in July 2028 and the second July 2030]
- B. Tree farms in active operation, nurseries, fruit orchards, and garden centers;
- C. Properties used for silviculture under an approved forest stewardship or woodland management plan that is active and on file with the Borough;
- 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 may be removed with no fee or replacement requirement.

Section 5: Enforcement:

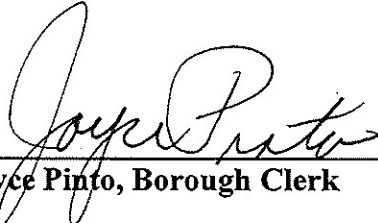
This ordinance shall be enforced by the Borough of Runnemede Police Department and the Public Works Department during the ordinary course of Enforcement duties.

Section 6: Violations and Penalties:

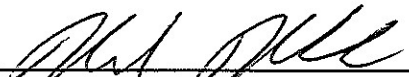
Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to fine not exceeding \$2,000 and/or the planting of additional trees.

Section 7: If any section, subsection, paragraph, sentence, clause or phrase of the Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance which shall continue in full force and effect, as to this end the provisions of the Ordinance are hereby declared to be severable.

Section 8: This ordinance shall take effect immediately upon passage and publication as required by law.

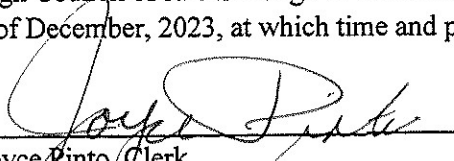

Joyce Pinto, Borough Clerk

BOROUGH OF RUNNEMEDE


Nick Kappatos, Mayor

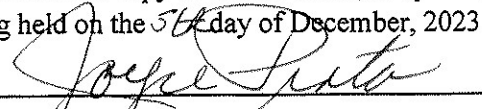
NOTICE

The above ordinance was introduced and passed on first reading at a meeting of the Borough Council of the Borough of Runnemede held on the 8th day of November, 2023, and will be taken up for final consideration and passage at a meeting of the Borough Council of said Borough of Runnemede 24 N. Black Horse Pike, Runnemede, New Jersey on the 5th day of December, 2023, at which time and place all persons interested will be heard.


 Joyce Pinto, Clerk
 Upon First Reading

CERTIFICATION

I HEREBY CERTIFY that the foregoing is a true and correct copy of an ordinance, adopted by the Borough Council of the Borough of Runnemede at a meeting held on the 5th day of December, 2023.


 Joyce Pinto, Clerk
 Upon Final Passage

Passed on First Reading

Adopted on Second Reading

Name	Passed on First Reading				Adopted on Second Reading			
	Yes	No	Abstain	Absent	Yes	No	Abstain	Absent
Kelly	✓				✓			
Laubenstein	✓				✓			
Passio	✓							✓
Cepero	✓							✓
Farrell				✓	✓			
Ranieri	✓				✓			