

**BOROUGH OF WRIGHTSTOWN  
COUNTY OF BURLINGTON**

**ORDINANCE NO. 2024-02**

**AN ORDINANCE OF THE BOROUGH COUNCIL AMENDING THE BOROUGH  
OF WRIGHTSTOWN CODE OF ORDINANCES TO ADOPT AND ESTABLISH  
NEW CHAPTER 200 “TREE REMOVAL AND REPLACEMENT” IN THE CODE  
OF THE BOROUGH OF WRIGHTSTOWN**

**WHEREAS**, the Legislature of the State of New Jersey has, in N.J.S.A. 40:48 et seq and N.J.S.A. 40:55D et seq., conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

**WHEREAS**, trees play a critical, often overlooked, role in the water cycle and in the mitigation of stormwater runoff issues such as soil erosion, pollutant reduction, infiltration, quantity reduction, and thermal effects. This ordinance is intended to ensure that permittees are considering these undervalued assets in their stormwater management efforts.

**WHEREAS**, the Borough’s 2023 Tier A MS4 NJPDES permit renewal requires permittees to, at a minimum, adopt and enforce a community-wide ordinance to control tree removal and replacement for all types of properties where the municipality has jurisdiction.

**WHEREAS**, the Borough Council of the Borough of Wrightstown finds that it is in the best interests of the Borough to adopt the required ordinances to promote the public health, safety, and general welfare of its citizenry.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF WRIGHTSTOWN, IN THE COUNTY OF BURLINGTON, NEW JERSEY AS FOLLOWS:**

**Section 1.** New Chapter 200 entitled “**Tree Removal-Replacement**” is hereby created as attached hereto as Schedule “A” and made a part hereof.

**Section 2.** All other provisions of the Code currently in effect, are hereby saved from revision, and shall remain in full force and effect;

**Section 3.** If any provision of any section, subsection, paragraph, subdivision, or clause of this ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this ordinance.

**Section 4.** This ordinance shall be effective as of the date hereof and shall remain in force until modified, amended or rescinded by Borough of Wrightstown, Burlington County, New Jersey.

**NOTICE**

The ordinance published herewith was introduced and passed upon first reading at a meeting of the Borough Council of the Borough of Wrightstown held on March 27, 2024. It will be further considered for final passage after a public hearing at the regular meeting to be held on April 24, 2024, at the Borough Hall, 21 Saylor's Pond Road, Wrightstown, New Jersey at 6:30 P.M. at which time and place any persons desiring to be heard upon the same will be given an opportunity to be heard.

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FREDA H. GORMAN, RMC  
Municipal Clerk

***Introduction/First Reading March 27, 2024***

**Motion:** Mrs. Carroll

**Second:** Mrs. Knapp

**Roll Call Vote:**

Ayes: Mr. Bird, Mr. Bushnell, Mrs. Carroll, Mr. Craig, Mrs. Knapp, Mr. Lownds

Nays: None

Absent: None

Abstain: None

***Second Reading/Public Hearing April 24, 2024***

**Motion:** Mr. Craig

**Second:** Mr. Bushnell

**Roll Call Vote:**

Ayes: Mr. Bird, Mr. Bushnell, Mrs. Carroll, Mr. Craig, Mrs. Knapp, Mr. Lownds

Nays: None

Absent: None

Abstain: None

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DONALD COTTRELL  
Mayor

**CERTIFICATION**

The aforementioned Ordinance Number 2024-02 was finally adopted by the Borough Council of the Borough of Wrightstown, County of Burlington, State of New Jersey, after Second Reading and Public Hearing at their Regular Meeting held on April 24, 2024.

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FREDA H. GORMAN, RMC  
Municipal Clerk

Dated: April 24, 2024

**SCHEDULE “A”**  
**NEW CHAPTER 200**  
**Tree Removal-Replacement**

**§200-1. Purpose:**

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

**§200-2. 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, 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" mean 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. “Commercial Property” means any other type of income-producing property other than a single-family residential property.
- C. “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’.
- D. “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.
- E. “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. All Hazard Tree determinations shall be made by a Licensed Tree Expert (LTE).
  - 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 significant 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 Licensed Tree Expert (LTE).
- E. “Person” means any individual, resident, corporation, utility, company, partnership, firm, or association.
  - F. “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.
  - G. “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.
  - H. “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.
  - 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 are less than four (4) inches, the measurement is taken twelve (12) inches above the soil line.
  - K. “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.

**§200-3. Regulated Activities:**

- A. Optional Application Process:

1. Any person planning to remove a street tree, as defined as Tree removal, with DBH of 2.5” or more or any non-street tree with DBH of 6” or more on their property shall submit a Tree Removal Application to the Zoning Officer. No tree shall be removed until municipal officials have reviewed and approved the removal.
  - a. Any project seeking to remove more than five (5) trees shall submit a tree survey identifying all trees with DBH 2.5” or more on the Property and identify those trees sought to be removed and those trees that will remain.
2. An application fee shall be submitted for the tree removal application subject to these regulations. The fee will cover processing and administrative costs to the Borough, such as review and evaluation of the application and submitted documents, requisite site inspections, and communications with the applicant relating to issuance or denial of a Tree Removal Permit.
  - a. Residential Tree Removal Application Fees. None.
  - b. Commercial Tree Removal Application Fees. The application fee shall be ONE HUNDRED DOLLARS (\$100.00), non-refundable.

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 200-4, shall be subject to the requirements of the Tree Replacement Requirements Table below.
2. Any person who removes one or more tree(s), as defined as Tree removal, with a DBH of 6” or more per acre, unless otherwise detailed under Section 200-4, shall be subject to the requirements of the Tree Replacement Requirements Table.

Replacement tree(s) shall:

1. Be in accordance with the Wrightstown Borough **DO NOT PLANT** List of Replacement Tree Species, attached hereto as Appendix 200-3;
2. Be replaced in kind with a tree that has an equal or greater DBH than tree removed **or** meet the Tree Replacement Criteria in the table below;
3. 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;
4. Be the same species as what is removed, unless the existing tree removed is considered invasive, or on the Borough’s **DO NOT PLANT** List of Replacement Tree Species, attached hereto as Appendix 200-3;
5. 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

6. Shall not be planted in temporary containers or pots, as these do not count towards tree replacement requirements.
7. Be planted with up to 30% of evergreen trees at least 6 feet tall at the time of planting. Evergreen trees shall not be used for street tree plantings.

**Tree Replacement Requirements Table:**

<b>Category</b>	<b>Tree Removed (DBH)</b>	<b>Tree Replacement Criteria (See Appendix A)</b>
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 2.5” for each tree removed
2	DBH of 13” to 22.99”	Replant 2 trees with minimum tree calipers of 2.5” for each tree removed
3	DBH of 23” to 32.99”	Replant 3 trees with minimum tree calipers of 2.5” for each tree removed
4	DBH of 33” or greater	Replant 4 trees with minimum tree calipers of 2.5” for each tree removed

**C. Replacement Alternatives:**

1. If 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 (amount to be set by municipality) per tree removed. This fee shall be placed into a fund dedicated to tree planting and continued maintenance of the trees as determined by the Borough Engineer.

**§200-4. Exemptions:**

All persons shall comply with the tree replacement standard outlined above, except in the cases detailed below. Proper justification shall be provided, in writing, to the municipality by all persons claiming an exemption. Property justification shall include a photograph of the trees to be removed and a statement from NJ licensed tree expert as per NJ Statue 45:15C-11 or arborist:

- A. Residents who remove less than four (4) non-exempt trees per acre that fall into category 1, 2 or 3 of the Tree Replacement Requirements Table;
- 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 may be removed with no fee or replacement requirement.

**§200-5. Enforcement:**

This ordinance shall be enforced by the Borough of Wrightstown Zoning Officer or Code Enforcement Officer during the course of ordinary enforcement duties.

**§200-6. Violations and Penalties:**

Any person, corporation, firm, partnership, or other entity violating or causing to be violated any of the provisions of this ordinance shall be fined not less than \$100 nor more than \$1,000 as such a court, in its discretion, may impose. Each and every day that such violation continues shall be considered a separate violation. Each tree destroyed or removed in violation of this ordinance shall be considered a separate violation.

**Appendix 200-3**

**DO NOT PLANT** List of Replacement Tree Species and  
Planting Standards for the Borough of Wrightstown

A. **DO NOT PLANT** List of Replacement Tree Species

<b>Common Name</b>	<b>Scientific Name</b>
Amur Corktree	Phellodendron amurense
Amur Maple	Acer ginnala
Callery Pear (Bradford pear)	Pyrus calleryana
Castor Aralia	Kalopanax septemlobus
Chinese Mulberry	Morus australis
Chinese Willow	Salix matsudana
European Black Alder	Alnus glutinosa
Golden Raintree	Koelreuteria elegans
Japanese Angelica Tree	Aralia elata
Japanese Crabapple	Malus toringo
Japanese Maple	Acer palmatum
Japanese Zelkova	Zelkova serrata
Kousa Dogwood	Cornus kousa
Mimosa	Albizia julibrissin
Norway Maple	Acer platanoides
Paper Mulberry	Broussonetia papyrifera
Princess Tree	Paulownia tomentosa
Siberian Elm	Ulmus pumila
Sweet Cherry	Prunus avium
Sycamore Maple	Acer pseudoplatanus
Tree-of-heaven	Ailanthus altissima
Weeping Higan Cherry	Prunus subhirtella var. pendula

\*\* All **DO NOT PLANT** Tree Species determinations shall be made by the Borough’s Licensed Tree Expert (LTE) or a Landscape Architect.

B. Planting Standards

- i. A tree removal permit shall be secured prior to any site disturbance.
- ii. Tree replacement calculations shall be provided for site plan approval, where applicable.
- iii. A plant schedule indicating botanical and common names, quantity, size at time of planting (including plant height and caliper, where applicable), size at time of maturity, and spacing of all proposed plantings shall be provided.



- iv. A tree planting detail shall be provided.
- v. All proposed plantings shall conform to the most recent publication of the American Standard for Nursery Stock, (ANSI Z60.1-2014), by the AmericanHort, which is incorporated herein by reference, as amended and supplemented, and available at [https://americanhort.org/documents/ANSI\\_Nursery\\_Stock\\_Standards\\_AmericanHort\\_2014.pdf](https://americanhort.org/documents/ANSI_Nursery_Stock_Standards_AmericanHort_2014.pdf).
- vi. All proposed replacement trees planted shall be nursery-grown, of substantially uniform size and shape and shall have straight trunks.
- vii. Install rigid plastic open mesh trunk guards, to protect replacement trees from the irreparable damage of buck rub. The same shall be noted on the applicant's landscape notes.
- viii. All root flares shall be visible and at final grade, to ensure the health of replacement trees. The same shall be noted on the applicant's landscape notes.
- ix. All replacement trees shall be installed in accordance with the American Nurserymen Guide.
- x. Maintenance of proposed replacement trees shall be the responsibility of the property owner. Maintenance shall incorporate environmentally sound irrigation practices, including the use of water- and-energy-efficient irrigations systems such as drip irrigation.
- xi. Any dead or dying plant materials shall be replaced for a period of two (2) years from the date of release of the performance guaranty. The same shall be noted on the applicant's landscape notes.