



TREE PROTECTION & REPLACEMENT ORDINANCE ACTION WEBINAR

April 23, 2025, 3:00pm-4:00pm

Why Trees?

- Provide shade, habitat, biodiversity, beauty
- Improve property values & quality of life
- Filter pollutants from air and water
- Fight climate change by pulling carbon dioxide from atmosphere
- Improve resilience to rising and extreme temperature & rainfall:
 - Shade lowers temperatures, particularly in heat islands (paved areas)
 - Canopy intercepts stormwater, which slows runoff, improves infiltration into soil, & reduces risk of flooding



New Action in 2025!

DEP: by May 2024, all municipalities required to adopt a community-wide ordinance addressing tree removal & replacement to comply w/ revised 2023 Tier A Master **Stormwater** (MS4) Permit requirements.



Old Action

vs.

New Action

- 10 points
- non-expiring
- will be 'retired' at end of 2025 cycle
- Ordinance must
 - 1) include certain major sections
 - 2) apply to all public & some private lands within municipality
 - 3) set type, size & # of trees that can be removed

- 15 – 25 points
- expires 2 yrs after yr of approval
- Resubmission must document enforcement
- Ordinance must
 - 1) apply to all public & private lands within municipality (DEP)
 - 2) Address both removal & replacement (DEP)

➤ contain 11 required elements (SJ)

What to do

1) Do we have a tree ordinance now?

➤ If **Yes**: fill in Action Submission Checklist. Identify missing or differing elements & draft amendments as needed.

➤ If **No**: Draft new ordinance, referring to action Guidance Document

2) Put new/revised Tree Ordinance on Planning Board agenda

3) & 4) Planning Board tells municipal attorney to review ordinance. Revise as needed. Send ordinance to Council (governing body), which

5) Adopts ordinance (2 hearings)

6) Cross-reference tree ordinance in Land Use & Development /Zoning in Code.

GUIDANCE DOCUMENT
Tree Protection & Replacement Ordinance Action...

LOCATION

TITLE

SECTION I. PURPOSE

SECTION II. DEFINITIONS

SECTION III. REGULATED ACTIVITIES ...

Required Element 4: Tree Removal Approval and Implementation

The Tree Ordinance must include ... required elements ...

Bonus Element 1: Display permit...

SECTION IV. EXEMPTIONS

SECTION V. ENFORCEMENT

SECTION VI. VIOLATIONS AND PENALTIES

SECTION VII. SEVERABILITY

SECTION VIII. EFFECTIVE DATE

Sections & Elements of Ordinance

TITLE

SECTION I. PURPOSE - describes the main objectives

Required Element 1a: *What* the ordinance does

Required Element 1b: *Why* the ordinance is important

SECTION II. DEFINITIONS (tree removal, hazardous trees, etc.)

SECTION III. REGULATED ACTIVITIES – enforceable provisions and standards.

Required Element 2a: Applicability: Scope

Required Element 2b: Applicability across the Municipal Code

BOROUGH OF LITTLE SILVER

ORDINANCE #879-24

ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES ...TO ADD A NEW CHAPTER 27 ENTITLED “TREE PROTECTION AND REPLACEMENT”

§ 27-1. PREAMBLE. The Borough of Little Silver finds that the existence of trees within the Borough makes a fundamental contribution to the health, safety, and general welfare of Little Silver citizens and the community at large ... Our community’s investment in its tree resources has accrued over many years. This investment can be rapidly squandered by indiscriminate damage to and destruction of trees [the Why]... This chapter establishes policies, regulations, and standards necessary to ensure that the Borough will continue to realize the benefits provided by our trees. The provisions of this chapter are enacted to...A. Control and regulate the indiscriminate cutting of trees ... [the What]

Required # 3: Replacement requirement

- For approval of tree removal permit/application, it must:
 - a) plant replacement trees on-site
 - b) plant replacement trees off-site (*optional*), or
 - a) pay a fee in lieu of planting.

Required # 4: Tree Removal Approval & Implementation

- Set up **permit** (*or other written application*) process establishing:
 - a) min. size of tree for removal $\leq 8''$ **diameter** at breast height...

Required # 4 (cont.)

- b) Municipal authority(ies) responsible
- c) Application process (may include fees)
- d) Criteria for acceptance or denial of applications or permits
- e) Require onsite investigation (or photos) of trees proposed for removal
- f) No tree shall be removed until officials have... issued the permit
- g) Establish what is required by applicants for developments/projects
- h) Health of trees on site maintained through construction & development

Required #5: Municipal Tree damage or removal

- Prohibit the damage or removal of municipally owned trees

Required #6: Tree Replacement Criteria (7)

- Minimum size & quality
- Species selected from municipal list or *not* on “Do not plant”/invasives list
- Replacement trees shall be inspected &
- Replacements that do not survive at least 1 year must be replanted within 12 months

Required #7: Replacement fee in lieu of replanting

If trees can't be planted on property where tree removal occurred in a way conducive to healthy tree growth to maturity, then applicant shall:

- Pay a fee per tree removed
 - » Fee set by municipality to be \geq to the cost of replanting
- Optionally, provide alternative to plant replacement trees offsite

Bonus Element 5a: # tree replacements proportionate to removals

Bonus Element 5b: Fee in lieu of replacement proportionate to removals

Tree Replacement Requirements Table (example)

Category	Diameter (DBH) of Tree Removed	Required Applicant Action	Replacement Fee &/or Application Fee
1	2.5" (for street trees) or 6" (for other trees) up to 12.99"	Replant 1 tree of an approved species with a minimum caliper of 1.5" for each tree removed	\$ 500 [approx. cost of replacement]
2	12" -23.99".	Replant 2 trees ...	\$ 1,000
3 ...	24" – 29.99" ...	Replant 4 trees...	\$2,000...
...n	Specimen/Significant Tree (defined(Replant 6 [or more] trees	\$3,000

Required #8: Dedicated Tree Replacement Fund

Ordinance shall:

- establish separate Fund into which all replacement fees shall be deposited
- use of Fund \$ dedicated to tree planting and maintenance
- specify which municipal authority to authorize expenditures.

Required #9: Limited Exemptions

Exemptions are limited to 12 listed criteria, including trees that:

- pose imminent danger to public safety.

Upon application/request in writing, may exempt trees that are

- dead, substantially decayed/diseased/damaged by natural causes
- assessed as posing moderately high+ level of risk by qualified person [licensed tree expert (LTE) << **Bonus Element #8**]
- in imminent danger of causing damage to building foundations
- invasive species [*? ... consider exempting developers*]

Required #10: Enforcement & Post-planting Inspection

Ordinance shall establish which officer(s) of the municipality have the authority and responsibility to enforce compliance, verification, penalties

Bonus Element 9: Survival Inspection

Required #11: Establish penalties

Bonus Elements

- 1: Display Permit
- 2: Utility Pruning & Removal
- 3: Link to Community Forestry Management Plan
- 4: Equity - Target Tree Replacement Plantings
- 5a: # of Tree Replacements Proportionate to Removals
& 5b: Fee In Lieu Of Replanting Proportionate to Removals
- 6: Stronger Requirements for Developers
- 7: Equity - Fee Waivers
- 8: Expert Risk Assessment of Hazard Trees
- 9: Survival Inspection
- 10: Responsibilities & Penalties for Tree Removal Contractors
- 11: Comprehensive Education Campaign

Tree Ordinance Action SUBMISSION CHECKLIST

Required Action Elements & Submission Requirements	Present (Y/N)	Additional Details
<p>Tree Protection and Replacement Ordinance</p> <p>In the Additional Details column provide:</p> <p>(1) the article(s) (chapter/section) where the ordinance appears in the Municipal Code;</p> <p>(2) enter the hyperlink(s)/url(s) for the ordinance as it appears on the municipal website or in a web-based version of the Municipal Code, such as e-Code, or upload a certified copy of the Ordinance.</p>		

Tree Ordinance Action SUBMISSION CHECKLIST

Required Action Elements & Submission Requirements	Present (Y/N)	Additional Details
<p>Required Element 1a: Purpose - What the ordinance does</p> <p><i>In the Additional Details column, provide the article(s) (chapter and section) of the Municipal Code that fulfill <u>this</u> required element of the action as described in the Guidance Document.</i></p> <p><i><u>Comment as necessary</u> to assist the action reviewer in locating the listed provision & explain how it fulfills the intent of this required element.</i></p>		

What to Submit

1) Description of Implementation

For 15 points:

2) **Upload:** Action Submission Checklist

- including hyperlink to the ordinance in Municipal Code *or else*:
 - » upload certified copy of ordinance
- demonstrating that all 11 required elements have been met.

Earn 5 extra points (total of 20) if **1 bonus element** is shown to have been met on Action Submission Checklist

Earn 10 extra points (total of 25) for **2 or more bonus elements**

Bonus #11 - Comprehensive Education Campaign

In the Checklist, describe the campaign to promote the ordinance -- must include **at least 1 in-person event & 2 or more on-line or print initiatives** with significant municipal involvement.

Upload :

- For in-person events: sample of promotional material used for each of the initiatives, such as flyers
- For on-line initiatives: link or screenshot of website, SM posts, etc.
- For print initiatives: digital copy or scan of brochures, newsletter, etc.

Resubmission Requirements

- 1) Description of Implementation
- 2) Upload: Resubmission Checklist with evidence of **enforcement**
 - a) # of tree removal permits issued
 - b) \$ amount paid into Tree Removal Fund *and/or*
and \$ amount of fines levied

Questions?

To ask questions, please either:

- Raise your hand (to ask question verbally)
 - Make sure to unmute yourself using the green microphone button
 - If calling in via the telephone, make sure you input the audio code: **946-382-571**
- Type your question in the question box



Thank you!



mcdermom@tcnj.edu