

ORDINANCE NO. 13, 2024

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PITMAN, COUNTY OF GLOUCESTER, STATE OF NEW JERSEY, AMENDING CHAPTER 26 "STORM WATER MANAGEMENT" OF THE CODE BOOK OF THE BOROUGH OF PITMAN TO REGULATE THE REMOVAL AND REPLACEMENT OF TREES

WHEREAS, The Mayor and Council of the Borough of Pitman have determined the necessity of certain amendments the Chapter 26, Storm Water Management, of the Code of Pitman Borough 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 Mayor and Council of the Borough of Pitman, in the County of Gloucester 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 **Borough of Pitman** 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.
2. Any person who removes any tree subject to this section III.B, shall submit a Tree Removal Notification to the Borough of Pitman. Such Notification shall include name, address, and a description of the tree removed including DBH and the replacement plan, subject to the requirements of the Tree Replacement Requirements Table. The tree replacement plan shall be one of the following options:
 - a. Option 1 – Replacement to be planted on same lot.
 - b. Option 2 – Replacement to be planted in area approved by Borough.
 - c. Option 3 – Payment to the Borough Tree Replacement Fund.

The Notification shall include any claimed exemption as set forth in Section IV and shall be used for verification of compliance with this Ordinance.

3. To the extent any Notification requests an exemption from the requirements of Section III.B., the applicability of the exemption shall be determined by the Shade Tree Commissioner, subject to further review by Borough Council.

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 1 or more tree(s), as defined as Tree removal, with a DBH of 10" 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 below..
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 property owner for a period of two (2) planting seasons to ensure their survival and shall be replaced as needed within twelve (12) months.
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)
1	Street Trees with a DBH of 2.5" or greater	Replant 1 tree, in accordance with Appendix A, with a minimum DBH of 1.5" for each tree removed
2	Non-street trees with a DBH of 10.0" or greater	Replant 1 tree, in accordance with Appendix A, with a minimum tree caliper of 10% of the DBH of the removed tree

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 \$25.00 for Street Trees with a DBH of 2.5" or greater up to DBH of 10.0" (2) Pay a fee of \$50.00 for each tree with a DBH greater than 10.0" 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. Notification under section

- A. During any one year period, residents whose property is one-quarter acre or greater may remove no more than one (1) tree per quarter acre, not to exceed four (4) trees per acre, that fall into category 1 or 2 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.
- 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 Code Enforcement Officer and Shade Tree Commissioner. 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 warning / summons, community service and/or a fine of \$500.00 the court in its discretion may impose. Court appearance shall be mandatory.

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.

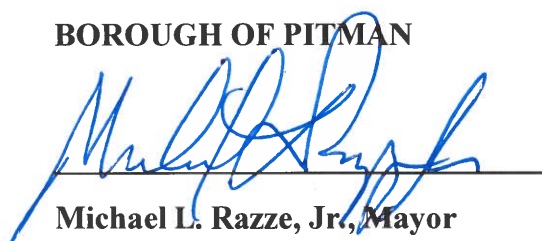
SECTION VIII. Repealer:

All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistencies.

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.

BOROUGH OF PITMAN



Michael L. Razze, Jr., Mayor

ATTEST:

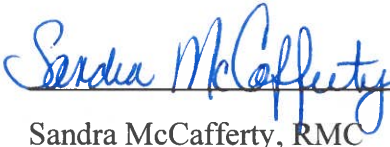


Sandra McCafferty, Borough Clerk

<u>ROLL CALL VOTE</u>				
	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
<u>Fitzpatrick</u>		✓		
<u>James</u>	✓			
<u>Bially</u>	✓			
<u>Mazzola</u>	✓			
<u>Milward</u>		✓		
<u>Uyehara</u>	✓			
<u>Razze</u>				

CERTIFICATION

The Ordinance was introduced and passed upon first reading on the 22nd day of July, 2024 at a meeting of the Borough Council of the Borough of Pitman, Gloucester County, New Jersey. A Public Hearing and final adoption were taken at a regularly scheduled meeting of the Mayor and Borough Council of the Borough of Pitman held on the 12th day of August, 2024 in the Borough Municipal Hall located at 110 S. Broadway, Pitman, New Jersey.

A handwritten signature in blue ink, reading "Sandra McCafferty", is written over a horizontal line.

Sandra McCafferty, RMC

Borough Clerk/Administrator

APPENDIX A

Scientific Name	Common Name
<i>Acer Negundo</i>	Boxelder
<i>Aesculus Flava</i>	Yellow Buckeye
<i>Amelanchier Arborea</i>	Common Serviceberry
<i>Amelanchier Canadensis</i>	Canadian Serviceberry
<i>Amelanchier Laevis</i>	Allegheny Serviceberry
<i>Asimina Triloba</i>	Pawpaw
<i>Betula Lenta</i>	Sweet Birch
<i>Carpinus Caroliniana</i>	American Hornbeam
<i>Carya Alba</i>	Mockernut Hickory
<i>Carya Glabra</i>	Pignut Hickory
<i>Carya Ovalis</i>	Red Hickory
<i>Carya Ovata</i>	Shagbark Hickory
<i>Carya Pallida</i>	Sand Hickory
<i>Celtis Occidentalis</i>	Common Hackberry
<i>Cercis Canadensis</i>	Eastern Redbud
<i>Chamaecyparis Thyoides</i>	Atlantic White Cedar
<i>Chionanthus Virginicus</i>	White Fringetree
<i>Cornus Alternifolia</i>	Alternatleaf Dogwood
<i>Cornus Florida</i>	Flowering Dogwood
<i>Crataegus Crus-Galli</i>	Cockspur Hawthorn
<i>Crataegus Intricata</i>	Copenhagen Hawthorn
<i>Crataegus Pedicellata</i>	Scarlet Hawthorn
<i>Crataegus Pruinosa</i>	Waxyfruit Hawthorn
<i>Crataegus Uniflora</i>	Dwarf Hawthorn
<i>Diospyros Virginiana</i>	Common Persimmon
<i>Fagus Grandifolia</i>	American Beech
<i>Juglans Cinerea</i>	Butternut
<i>Juglans Nigra</i>	Black Walnut
<i>Juniperus Virginiana</i>	Eastern Redcedar
<i>Liquidambar Styraciflua</i>	Sweetgum
<i>Liriodendron Tulipifera</i>	Tuliptree
<i>Magnolia Virginiana</i>	Sweetbay
<i>Morus Rubra</i>	Red Mulberry
<i>Nyssa Sylvatica</i>	Blackgum
<i>Pinus Echinata</i>	Shortleaf Pine

Pinus Rigida	Pitch Pine
Pinus Serotina	Pond Pine
Pinus Strobus	Eastern White Pine
Pinus Virginiana	Virginia Pine
Populus Grandidentata	Bigtooth Aspen
Prunus Alleghaniensis	Allegheny Plum
Prunus Americana	American Plum
Quercus Alba	White Oak
Quercus Bicolor	Swamp White Oak
Quercus Coccinea	Scarlet Oak
Quercus Falcata	Southern Red Oak
Quercus Imbricaria	Shingle Oak
Quercus Michauxii	Swamp Chestnut Oak
Quercus Palustris	Pin Oak
Quercus Phellos	Willow Oak
Quercus Prinus	Chestnut Oak
Quercus Rubra	Northern Red Oak
Quercus Stellata	Post Oak
Salix Nigra	Black Willow
Staphylea Trifolia	American Bladdernut
Tsuga Canadensis	Eastern Hemlock
Ulmus Americana	American Elm