

CHAPTER 217 TREE AND SHRUB REMOVAL

[HISTORY: Adopted by the Borough Council of the Borough of Medford Lakes 9-26-1996 by Ord. No. 426. Amendments noted where applicable.]

GENERAL REFERENCES

§ 217-1 Title.

This chapter shall be known as the "Tree and Shrub Removal Ordinance."

§ 217-2 Purpose.

The intent and purpose of this chapter is to establish standards for the Borough of Medford Lakes for the protection and preservation of certain trees and shrubs as defined herein growing in a natural state within this municipality.

§ 217-3 Definitions.

The meanings of words when used in this chapter shall be given their common and ordinary meaning except when otherwise specified. The following words are specifically defined for purposes of this chapter:

ISSUING AUTHORITY

The Borough Manager or other person designated by ordinance or administrative order to issue tree removal permits.

PRESERVATION EASEMENTS

Agreement wherein the landowner agrees to take no action which will jeopardize the health of the protected tree or shrub and to grant to the Borough access to maintain the protected tree or shrub.

SHRUB

Any native Laurel having a root crown of three inches at the soil surface level.

TREE

Any woody perennial plant having a diameter of three inches or greater measured at a point four feet above the ground.

§ 217-4 Applicability.

This chapter shall apply to the removal of all trees and shrubs, as defined in this chapter, growing upon any land in the Borough of Medford Lakes, except as exempted by § [217-5](#).

§ 217-5 Exemptions.

Permits shall not be required for the removal of the following trees and shrubs:

A.

Trees and shrubs that are damaged as a result of storms and or other naturally occurring calamities, that if not immediately removed, pose an imminent threat or danger to life and/or property.

B.

Trees and shrubs growing on lots qualified for and complying with a certified Tree/Forest Management Plan developed by the New Jersey Department of Environmental Protection, Bureau of Forestry. The management plan must be filed with the issuing authority and must either substantially comply with the provisions of § [217-8](#), or contain a certification of the State Forester that, due to the peculiar characteristics of the particular site, other standards are specifically recommended. This exemption is available only for properties currently qualified and approved under the Farmland Assessment Act of 1964 (N.J.S.A. 54:4-23.1 et seq.).

C.

Trees and shrubs which are located in or on the public right-of-way of any municipally owned roadway, street or trail.

§ 217-6 Permit required; application procedure; fee.

A.

No person, corporation or entity shall remove or destroy any tree or shrub, to which this chapter is applicable, without first obtaining a tree removal permit from the Borough of Medford Lakes.

B.

Tree removal permits shall be issued by the issuing authority upon written application therefor. Applications shall be in a form specified by the Borough Manager and shall contain the name and address of the owner of the lands upon which the trees or shrubs sought to be removed are located; the authority of the person, corporation or entity applying for the permit to remove the trees or shrubs; the type, size and location of the trees or shrubs sought to be removed. The application shall contain such additional information, surveys, plans or certifications as may be required by the Borough Manager. In no event shall a permit or permits be issued allowing for more than 30% of the trees on any one property to be removed.

C.

The fee for a tree removal permit shall be \$15.

Editor's Note: Amended at time of adoption of Code (see Ch. [1](#), General Provisions, Art. [I](#)).

D.

Tree removal permits shall be valid for 90 days from the date of issuance.

E.

A survey of the lot showing the exact location of all trees thereon greater than six inches in caliper shall be required prior to the issuance of a permit when a tree or shrub is to be removed for the purpose of accommodating any new construction, including but not limited to, additions, garages, patios, decks, swimming pools and/or appurtenances thereto.

§ 217-7 Conditions for grant or denial of permit.

The issuing authority shall grant or deny any such permit with reference to the standards contained in § 217-8 below. In applying such standards, the issuing authority may condition the grant of the permit upon such reasonable conditions as may be deemed necessary to effectuate the purposes of this chapter.

§ 217-8 Standards for grant or denial of permit.

The following standards shall govern the grant, conditional grant or denial of a tree removal permit in the Borough of Medford Lakes:

A.

The issuing authority shall be satisfied that the removal or destruction of any particular tree or shrub which is unique in age, size or type is required for effective utilization of the lands in question.

B.

The issuing authority shall be satisfied that the removal or destruction of trees and shrubs proposed shall not impair the growth and development of the remaining trees and shrubs on the lands where the trees are situate or on adjacent lands.

C.

The issuing authority shall be satisfied that the removal or destruction of trees and shrubs proposed shall not cause soil erosion or impair existing drainage patterns.

D.

The issuing authority shall be satisfied that the proposed removal or destruction of trees and shrubs shall not result in a reduction or loss of value to properties proximate to the removal or destruction.

E.

The issuing authority shall be satisfied that adequate precautions shall be taken with respect to the removal of trees and shrubs, that other trees will not be damaged by mechanical removal, that

the roots of the remaining trees will not be cut, that the trees removed will not be buried or burned and that dead trees are not permitted to become harborage for rats or other rodents.

§ 217-9 Subdivision and site plan approval.

The Planning Board, when considering applications for subdivision or site plan approval, shall require that buildings and pavements be relocated so as to minimize the need to remove trees and shrubs.

§ 217-10 Right to hearing.

Any person aggrieved by a decision of the issuing authority shall be afforded a hearing with respect thereto before the Borough Manager or his designee if a written request is filed within 10 days from the action of the issuing authority. The record of such hearing shall be maintained by the means of minutes or electronic means. Any person who, after a hearing before the Borough Manager, is still aggrieved by the decision of the issuing authority, shall be afforded a hearing with respect thereto before the Medford Lakes Planning Board, provided that such a request is filed within 10 days of the decision by the Borough Manager. In any such hearing, the manager and/or the Planning Board may consider the applicant's willingness to replace trees as an additional standard for granting or denial of a permit or permits.

§ 217-11 Trees of special value.

A.

The Borough Council may designate, by ordinance, a certain tree or shrub or a certain species of trees or shrub as being of special value based on rarity or historical importance.

B.

If any tree or shrub designated under this section is located on a site being considered for major subdivision approval, the Planning Board may, as a condition of final approval, require the developer to grant a preservation easement to the Borough of Medford Lakes.

C.

If any tree or shrub designated under this section is located on private property not seeking major subdivision approval, the Borough may acquire a preservation easement by gift or purchase.

§ 217-12 Violations and penalties.

A.

Any person, corporation or entity violating any provision of this chapter shall, upon conviction, be punishable by one or more of the following: a fine not exceeding \$1,250 or imprisonment not exceeding 90 days or a period of community service not exceeding 90 days

B.

In the event any tree or shrub is removed in violation of this chapter, the issuing authority may revoke the violator's tree removal permit.

C.

Nothing herein shall be deemed to limit the remedies available to the Borough of Medford Lakes or other person seeking to compel enforcement of this chapter and for remedies of compelling replacement of a tree or shrub by paying money damages shall be considered cumulative.