

Chapter 24

REGULATION AND CONTROL OF THE REMOVAL OF TREES

§ 24-1.	PURPOSE.	§ 24-7.	ISSUANCE OF PERMIT.
§ 24-2.	DEFINITIONS.	§ 24-8.	PERMIT FEES.
§ 24-3.	COMPLIANCE WITH CHAPTER.	§ 24-9.	RIGHT OF APPEAL.
§ 24-4.	PERMIT REQUIRED.	§ 24-10.	REMEDIATION.
§ 24-5.	PERMITS BY RIGHT.	§ 24-11.	VIOLATIONS AND PENALTIES.
§ 24-6.	BASIS FOR DETERMINATION.		

[Editor's Note: Prior ordinance history includes portions of 1985 Code §§ 26-1.1 through 26-1.9.]

§ 24-1. PURPOSE. [Ord. No. 2005-#23 § 1]

The purpose of this chapter is to protect and preserve the forests and neighborhood trees of the Borough of Ringwood from indiscriminate destruction, disturbance and/or removal, to provide protection of the streams and lakes from the damage caused by tree loss, and to provide for the protection of water quality. The Borough Council of the Borough of Ringwood does herein decide and find the indiscriminate, uncontrolled and excessive destruction, removal and cutting of trees upon lots and tracts of land within the Borough has adversely affected the aesthetic value and beauty and rural character of the Borough and furthermore has resulted in increased municipal costs to control drainage, and has further caused increased soil erosion, increased sedimentation in water bodies, decreased fertility of soil, increased dust, all of which have depressed property values, and has further rendered land unfit and unsuitable for its most appropriate use, with the result that there has been deterioration or will be a future deterioration of conditions affecting the health, safety and general well-being of the inhabitants of the Borough of Ringwood and has caused the passage of this chapter to regulate and control the indiscriminate and excessive cutting of trees in the Borough.

§ 24-2. DEFINITIONS. [Ord. No. 2005-#23 § 1]

DIAMETER — Shall mean the diameter of the trunk of a tree. If there is uncertainty as to the measurement of the diameter of a tree, at 4 1/2 feet above ground, the diameter shall be conclusively presumed to be the circumference of the tree in inches divided by 3.1416 and rounded to the nearest inch.

FOREST MANAGEMENT PLAN — Shall mean a plan which establishes best conservation and management practices and has been reviewed and approved by the NJDEP Bureau of Forest Management.

IMMATURE TREE — Shall mean any tree having a diameter greater than four inches and less than eight inches measured at a point 4 1/2 feet above the ground.

OFFICIAL — Shall mean the Borough Engineer or his authorized agent.

PERSON — Shall mean a natural person, a corporation, an unincorporated association, a general or limited partnership, a limited liability company or partnership or any other entity.

REMOVAL OR REMOVE — Shall mean the act of full or partial cutting of the trunk of a tree, major cutting of branches or roots, compaction of soil above the roots, poisoning, shifting of the ground water table or other means of causing a tree to die.

REPLACEMENT TREE — Shall mean a woody perennial plant of a species approved by the Official, which has a diameter of at least three inches at a point 4 1/2 feet from the ground.

RESIDENTIAL SITE PLAN APPROVAL — Shall mean the favorable report of the Borough Engineer with respect to a residential site plan pursuant to Section 38-1.3 of the Code.

RESTORATION — Shall mean the reestablishment of vegetative cover as necessary to prevent erosion and as approved by the Official.

SPECIMEN TREE — Shall mean a tree having a diameter greater than 18 inches at a point 4 1/2 feet above the ground.

TREE — Shall mean any woody perennial plant having a diameter greater than four inches measured at a point 4 1/2 feet above the ground.

§ 24-3. COMPLIANCE WITH CHAPTER. [Ord. No. 2005-#23 § 1]

No person shall cut, remove or destroy any tree upon any lands within the Borough of Ringwood unless a permit pursuant to this chapter shall have been issued by the Official.

§ 24-4. PERMIT REQUIRED. [Ord. No. 2005-#23 § 1]

The application for a permit pursuant to this chapter shall be on a form approved by the Official and shall identify the land upon which the tree or trees are located; shall disclose the name and address of the owner, tenant or duly authorized agent of said owner or tenant; and shall identify and place the location of said tree or trees sought to be cut, removed or destroyed.

The Official shall have the authority to inspect any site to determine whether the cutting, removal or destruction of said trees shall impair the drainage conditions, create soil erosion, increase the dust, or deteriorate the property value and to further determine the overall effects of said cutting, removal or destruction of said trees on the physical and aesthetic values of the lands.

If upon a site inspection, the Official finds that trees have been cut, removed or otherwise destroyed without regard to this chapter, or the Official has reasonable cause to believe that there may have been a violation of this chapter, then no building permit shall be issued until the alleged violation has been prosecuted and disposed of in the Municipal Court of Ringwood.

For the purposes of determining compliance with this chapter, for trees having more than one trunk, each shall be measured independently and then summed together to determine the size of the tree. In the event a tree is removed in an alleged violation to this chapter, the diameter is to be measured at the height of the remaining stump if less than 4 1/2 feet remains.

If the Official has reasonable cause to believe that a violation of this chapter has occurred subsequent to the granting of a building permit, the Official shall notify the Construction Official of the Borough, who shall authorize issuance of a stop-work order until such time as the alleged violation has been finally disposed of in the Municipal Court of Ringwood.

§ 24-5. PERMITS BY RIGHT. [Ord. No. 2005-#23 § 1]

No permit shall be denied under this chapter for any of the following activities:

- a. Removal of up to two trees (other than immature trees or specimen trees) on any one lot in any one calendar year, provided that:
 - 1. The total number of trees remaining on the lot (including specimen trees but excluding immature trees) is not less than 30 trees for each 40,000 square feet; and
 - 2. The number of trees remaining on the lot (including specimen trees but excluding immature trees) for lots less than 40,000 square feet is not less than the number shown on Table 24-1 below; and
 - 3. The trees to be removed are not located on any portion of the lot having a slope greater than 20%; and
 - 4. The trees to be removed are not located in a wetland, a wetland transition area, or a stream buffer as defined by the NJDEP.

Table 24-1 Lot Area v. Minimum Number of Trees Remaining	
Lot Area (square feet)	Number of Trees
40,000	30
38,000 to <40,000	29
36,000 to <38,000	27
34,000 to <36,000	26
32,000 to <34,000	24
30,000 to <32,000	23
28,000 to <30,000	21
26,000 to <28,000	20
24,000 to <26,000	18
22,000 to <24,000	17
20,000 to <22,000	15
18,000 to <20,000	14
16,000 to <18,000	12
14,000 to <16,000	11
12,000 to <14,000	9
10,000 to <12,000	8
8,000 to <10,000	6
6,000 to <8,000	5
<6,000	5

- b. Removal of immature trees up to 10% of the trees on any one lot in any one calendar year. For those lots having less than 10 trees, the removal of one immature tree per year shall be

allowed;

- c. Removal of any tree planted for the purpose of sale and growing on property actually being used as a business including a nursery, garden center, Christmas tree plantation or orchard, wherein said removal is incident to such business;
- d. Removal of trees necessitated by improvements including construction of buildings, paved areas or septic disposal systems, provided such improvements and the removal of trees therefore have received site plan approval from the Planning Board or Board of Adjustment or, in the case of a single family dwelling, have received Residential Site Plan Approval;
- e. Removal of any dead tree provided that in advance of such removal, a written determination is made by the Official that the tree is dead; and
- f. Removal of any diseased tree that is likely to endanger: other trees through further spread of such disease, any improvement on the property, the public, or an adjoining property owner, provided that in advance of such removal, written certification as to the diseased condition of the tree and the need for removal in connection with such disease is provided by the Official or a qualified person whose name is listed as a New Jersey Certified Tree Expert by the NJDEP.
- g. This chapter shall not apply to any activities, which are otherwise exempt by statute, law or regulations adopted by any governmental body having jurisdiction.

§ 24-6. BASIS FOR DETERMINATION. [Ord. No. 2005-#23 § 1]

As a basis for determining permitted tree removal, the Official shall give due consideration to the following:

- a. All reasonable efforts shall be made to preserve specimen trees.
- b. Removal of trees for proposed right-of-ways or driveways shall be approved by the Official only for the paved portion of such rights-of-way or driveways, plus ten-foot width on each side, and only for alignments as shown on a plan approved by the Planning Board or Board of Adjustment or, in the case of a single family dwelling, upon receipt of a Residential Site Plan Approval.
- c. Removal of trees for the construction of a residence or other principal and accessory buildings plus a twenty-five-foot distance on both sides of said building shall be approved by the Official. Removal of trees in a forty-foot distance to the front and to the back of any principal building shall be approved by the Official only upon receipt of site plan approval by the Planning Board or Board of Adjustment or, in the case of a single family dwelling, upon receipt of a Residential Site Plan Approval.
- d. Removal of trees for proposed off-street parking facilities or outdoor storage areas shall be approved by the Official only for cleared locations as indicated on site plans approved by the Planning Board or Board of Adjustment or, in the case of a single family dwelling, upon receipt of a Residential Site Plan Approval.
- e. Removal of trees for purposes of providing ample light and air to existing dwellings or accessory improvements or to prevent damage to foundations or other portions of existing dwellings or accessory improvements shall be approved by the Official.

- f. Removal of trees for construction, reconstruction, maintenance and repair of septic tanks, cesspools, leaching fields, sewer plants and the like shall be approved by the Official.
- g. In areas of cut and fill, the removal of trees shall be permitted:
 - 1. Where the cut-and-fill operations, as part of site grading, are in excess of one-foot elevation on all sides of the tree or trees in question and, in the opinion of the Official, the preservation of the tree(s) through the use of a tree well or retaining wall(s) is not feasible or is cost prohibitive.
 - 2. Where, in the opinion of a professional forester or engineer, the unavoidable change in the existing drainage pattern will ultimately result in the injury and ultimate destruction of trees.
- h. For the purposes of commercial logging or lumbering, tree removal shall be permitted in accordance with the following restrictions:
 - 1. The lumbering company or individual owner of the property in question must file with the Ringwood Borough Clerk, a Forest Management Plan for selective cutting approved by the New Jersey Department of Environmental Protection, Bureau of Forest Management. Any deviation taken from this plan shall be considered a violation of this chapter.
 - 2. No more than 30% of the trees shall be removed from the entire tract.
 - 3. No more than 10% of the trees may be removed in any one calendar year.
- i. When prohibited:
 - 1. When the purpose of tree removal is to expose signs and billboards or expose previously cleared land, such removal shall be prohibited except when in conflict with public safety requirements or when permitted by the State Right to Farm Act.
 - 2. When the existing trees form part of a planned greenbelt or buffer zone, such removal shall be prohibited.
 - 3. Tree removal shall be prohibited when the trees are part of: (1) a wetland, (2) a wetland transition area or (3) a stream buffer.
 - 4. Tree removal shall be prohibited when the trees are on slopes greater than 20%.
 - 5. The removal of trees near utility substations, transmission towers, warehouses, junkyards, landfill operations and other similar uses or structures shall be prohibited except when in conflict with public safety requirements and except when such removal is compensated by screen planting using preferable evergreen species as indicated on an approved site plan.
 - 6. Removal of trees formally designated by the Environmental Commission or New Jersey Botanical Gardens to be special by virtue of history or their unusual size or age for that particular species shall be prohibited without written consent from the Environmental Commission or New Jersey Botanical Garden. Said written consent shall not be given unless no other alternative to removal is possible.

§ 24-7. ISSUANCE OF PERMIT. [Ord. No. 2005-#23 § 1]

The Official, after reviewing the relevant site, shall make a decision as to whether to grant a permit upon an application submitted in accordance with this chapter. The Official shall issue a tree removal permit or denial in writing within 14 days of said application.

§ 24-8. PERMIT FEES. [Ord. No. 2005-#23 § 1; amended 7-16-2019 by Ord. No. 2019-07]

a. Permit fees are as follows:

Number of Trees to be Removed	Fee
1-5	\$50
6-10	\$100
11-20	\$200
21-100	\$300
101-150	\$400

b. Applicant shall pay an additional \$50 for each 100 trees or part thereof over 150 up to a maximum total fee of \$1,000.

§ 24-9. RIGHT OF APPEAL. [Ord. No. 2005-#23 § 1; Ord. No. 2008-#15 § 1]

Applicant shall have the right to appeal to any decision of the Official to the Municipal Manager within 10 days of receipt of the official's decision. Said appeal shall be by written notice of appeal to the Municipal Manager. The Municipal Manager shall proceed to hear said appeal upon notice to applicant within 30 days after the filing of said notice of appeal. The Municipal Manager may, in her/his discretion and upon complete review of the application, and after hearing the testimony of the Official and the applicant, reverse, modify or affirm the aforesaid decision. If the Municipal Manager shall not act within 30 days after the filing of the notice of appeal, the decision being appealed shall be deemed to have been affirmed by the Manager.

§ 24-10. REMEDIATION. [Ord. No. 2005-#23 § 1]

Any person who damages, removes or destroys trees without complying with this chapter shall be required to remediate said noncompliance by replacement of such trees. Such remediation shall include, as a minimum, tree replacement in accordance with the following:

Diameter of Tree Removed Measured at 4.5 Feet Above the Ground	Number of Replacement Trees with Minimum Diameter of 3 Inches
At least 4 inches but less than 10 inches	3
Greater than or equal to 10 inches but less than 18 inches	5
Greater than or equal to 18 inches but less than 24 inches	7
Greater than or equal to 24 inches	10

Replacement trees shall be of nursery grade quality, balled and burlapped and planted on the site where the violations occurred in locations and with species approved by the Official. Representative species for replacement trees include: red maple, sugar maple, red oak, white oak, chestnut oak, scarlet oak, pin oak, black oak, hickory, American birch, yellow birch, black birch, dogwood, yellow poplar, black locust, red cherry, sweet gum and weeping willow. In the event that in the opinion of the Official all or some of the replacement trees are inappropriate for the site where the violations occurred, the Official may approve an alternate location either on the subject property or off of the site on property owned by Borough of Ringwood. The obligation of this section may be enforced in a civil action in any court of competent jurisdiction and shall not affect the liability of the violator for the fines and penalties set forth in subsection 24-11.

§ 24-11. VIOLATIONS AND PENALTIES. [Ord. No. 2005-#23 § 1]

Any person violating any provisions of this chapter shall be subject to a fine not exceeding \$1,250, imprisonment for up to 90 days, community service not to exceed 90 days or any combination of these penalties in the discretion of the Judge of the Municipal Court of the Borough of Ringwood.

Each tree removed in violation of this chapter shall be a separate offense.