

CITY OF ENGLEWOOD

ORDINANCE NO. 95 - 22

AN ORDINANCE REGULATING THE REMOVAL OF TREES
WITHIN THE CITY OF ENGLEWOOD

BE IT ORDAINED by the Council of the City of Englewood, Bergen County, New Jersey, as follows:

Section 1. Purpose.

The City Council of Englewood has determined that it is necessary to maintain the City's tree stock so as to preserve the quality of life in Englewood because of its important role in maintaining the mature tree inventory, as well as preventing soil erosion and controlling drainage.

This ordinance preserves and perpetuates the City's tree stock through providing regulatory control over removal of trees which have attained a specific minimum size and to provide for orderly replacement plans by property owners or their agents.

Section 2. Definitions.

For the purposes of this ordinances, the below terms have the following defined meanings.

B&B (balled & burlapped) means a method of excavation in which the subject tree is removed along with soil surrounding its roots and such soil and roots are wrapped and laced.

Diameter at Point of Measurement, or DPM, means the diameter of a tree measured at a point on the trees six (6) inches from ground level on the downhill side.

Emergency Removal means a removal which is necessitated by any event, whether natural or man-made, which requires the immediate removal of a regulated tree because it has been determined that such tree presents an imminent hazard to the public's safety. Such determination shall be made by a certified arborist or City Official as authorized by the City Manager.

Project means any undertaking whatsoever which would involve potential damage to or which may result in the planned or unplanned removal of regulated trees. Such projects shall include, but not be limited to, new construction, modifications of existing structures, grade modification and drainage improvement works, except for those exempted in section 8 of this ordinance.

Regulated Tree means a living deciduous or coniferous tree which has attained at least thirty (30') feet in height or a DPM of at least eight (8") prior to any pruning, limb removal or other such activity.

Removal means any activity which results in cutting down completely or substantially eliminates a living regulated tree for the City's tree stock.

Removal Period means a period of time consisting of 365 consecutive days after a project is regulated by this ordinance.

Replacement Plan means a plan developed in accordance with and conforming to the provisions of this ordinance which has been approved by the City Engineer.

Replacement Tree means a nursery grown certified, balled and burlapped tree bearing a durable label upon which the following data is set forth: genus, species, variety, watering and fertilization requirements.

Site Plan means a plan as defined by the City's Municipal Land Use Ordinance.

Section 3. Cutting or Removal Restricted.

With the exception of the exemptions set forth in section 8 of this ordinance, including, but not limited to dead, dying or diseased trees, no person shall cut or remove, or cause to be cut or removed, more than three (3) regulated trees upon any lands within the City of Englewood unless cutting or removal is performed in strict accordance with the provisions of this ordinance.

Section 4. Permit Required.

A Project Permit is required for the removal of more than three (3) regulated trees within the Removal Period.

Section 5. Project Permit Application Process.

A. Project Permit Application Submission.

A Tree Removal Project Permit shall be submitted to the City Engineer.

B. Application Contents.

An application for applying for and issuing a Tree Removal Project Permit shall consist of the following:

1. The name and address of the owner of the land;
2. The description of the lands in question, including the lot and block numbers of the land as shown on the current Tax Map of the City of Englewood;
3. The purpose or reason for removing the tree(s);
4. The quantity, caliper size and species of tree(s) to be removed;
5. The proposed dates for commencement and completion of the project;
6. Name and address of the person having express charge, supervision, and/or control of the proposed removal of tree(s)
7. A written statement of plans for the proposed replanting of trees as required herein.
8. A statement granting permission to City officials or their employees to enter the premises and make surveys and inspections as the work progresses; and
9. A Tree Replacement Plan that includes quantity, caliper size and species of tree(s) to be replanted.

C. The City Engineer shall review the application to determine whether such Project complies with this ordinance and shall provide written notice to the applicant indicating one of the following determinations:

1. The Project Permit is granted; or
2. The Project Permit is granted subject to prescribed conditions attached to such notice; or

3. The Project Permit is denied, in which event the written notice shall state the reasons for such denial.

D. The City Engineer shall make the foregoing determination and prepare and furnish the foregoing notices within thirty (30) calendar days following submission of a completed application.

E. Failure of the City Engineer to make said determination within such thirty (30) day period, or within any extension of time granted by the applicant, shall constitute and have the same effect as an approval.

F. Any proposed change in the approved Project shall be submitted to the City Engineer for approval in the same manner as an original application for approval of a Project.

G. The applicant shall maintain a copy of the approved Project at the project location which shall be available for inspection.

Section 6. Tree Replacement Plan.

A Tree Replacement Plan shall consist of the following:

A. A Site Plan, on a scale of one (1) inch equals thirty (30) feet or less, showing the location of existing trees and clearly marked property boundaries. There shall be a list identifying the number and species of trees inventoried. The Site Plan shall include the lot and block numbers, the street address, if assigned, and a certification of compliance with the requirements of the ordinance.

B. Locations of streams and other watercourses.

C. Locations of slopes of greater than ten (10%) percent where any tree removal is proposed.

D. The location(s) on the tract where tree removal is to take place.

E. The total acreage of the tract.

F. The total number, by species, of existing trees with a DPM of eight (8") inches or greater on the tract.

G. The total number, by species, of trees with a DPM of eight (8") inches or greater which are to be removed.

H. All specific plans for replacement of removed trees shall be based on the following requirements:

1. The replacement trees shall be planted on the property where the trees were removed or in a location designated by the City Engineer.

2. The species of trees that are to be replaced shall be approved by the City Engineer in consultation with the Environmental Commission.

3. Replacement trees, including the size and number of trees, shall be planted in accordance with the following table:

<u>Size of Tree Removed (inches DPM)</u>	<u>Number of Replacement Trees with at least a 2-1/2" DPM</u>
Eight, but less than twelve (8-12")	1
More than twelve, but less than eighteen (12-18")	2
More than eighteen, but less than twenty-four (18-24")	3
More than twenty-four, but less than thirty-six (24-36")	4

More than thirty-six (36") to be determined in consultation with the City Engineer after consideration of the project, but in any event, not less than six (6).

Section 7. Tree Replacement Fund.

In certain circumstances, the City Engineer may authorize a contribution to the City's Environmental Commission Tree Fund in lieu of planting replacement trees on site where he determines that the purposes of this ordinance would be furthered thereby. Such contribution shall bear a reasonable relationship to the cost of planting trees which would otherwise be required under Section 6 of this ordinance, but in no case shall it be less than \$200.00 per required replacement.

Section 8. Exemptions.

The following shall be exempt from the requirements of this ordinance:

- A. Commercial nurseries.
- B. Pruning within the right-of-way by utility companies for maintenance of utility wires or pipelines. The utility company shall notify the City Engineer prior to commencing such work.
- C. Trees that are deemed to be removed by the City that are on or over a public right-of-way.
- D. Public park lands owned by the City of Englewood or Flat Rock Brook Nature Center.
- E. Trees that are removed as part of a Project which is subject to Planning Board Site Plan approval.
- F. Any projects that have received building permits prior to enactment of this ordinance.
- G. Trees that are deemed to be removed as part of a municipal project.
- H. Emergency removals.

Section 9. Protected Area.

No permit shall be issued for the removal of any tree within the minimum planting areas set forth in the Zoning Ordinance of the City of Englewood unless the City Engineer determines that such removal is necessary.

Section 10. Fees.

An application for a Tree Removal Permit shall be accompanied by the required fee as set forth below:

- A. Permit for each tree removal - \$50.00
- B. Projects involving one acre of land or less, the fee shall be \$400.00 and, for each additional one-half acre or part thereof above one acre, the fee shall be increased by \$25.00

C. An escrow shall be established in the amount of two (2) times the permit fee which shall be retained until the Tree Replacement Plan is completed. In the event the Tree Replacement Plan is not completed within the time specified by the City Engineer, the City may use such escrow to complete the Tree Replacement Plan or, in lieu thereof, deposit said escrow in the Tree Replacement Fund.

Section 12. Penalty.

Any person who violates any provisions of this ordinance shall be liable for a fine not to exceed One Thousand (\$1,000.00) Dollars or imprisonment for a term not in excess of ninety (90) days, or both.

Section 13. Severability.

If any sentence, section, clause or other portion of this ordinance, or the application thereof to any person or circumstance, shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or repeal the remainder of this ordinance.

Section 14. Inconsistency.

All ordinances or parts thereof inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 15. Effective Date.

This ordinance shall take effect immediately upon final passage and publication as required by law.

adopted 12/19/95

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