

ORDINANCE NO. 2024-09
TOWNSHIP OF GREEN, COUNTY OF SUSSEX, STATE OF NJ

**AN ORDINANCE AMENDING THE CODE OF GREEN TOWNSHIP TO
CREATE A NEW SECTION 30-17.1B ENTITLED “TREE
PRESERVATION” TO CONTROL TREE REMOVAL AND
REPLACEMENT IN ORDER TO REDUCE STORMWATER RUNOFF
AND POLLUTANTS, AND TO PROMOTE INFILTRATION OF
RAINWATER INTO THE SOIL**

Purpose Statement: The purpose of this section is to protect trees and woodlands from indiscriminate destruction and damage, and further to reduce soil erosion and pollutant runoff, promote infiltration of rainwater into the soil, and protect the environment, public health, safety, and welfare.

WHEREAS, the New Jersey Department of Environmental Protection requires that all Tier A municipalities take measures to control the removal of trees in order to reduce stormwater runoff and to promote infiltration of rainwater into the soil. In order to comply with the requirements of the Township of Green’s Municipal Stormwater General Permit, the Township Committee wishes to amend the revised general ordinances to require that measures be taken to preserve trees within the Township and provide guidelines for the replacement of trees when unauthorized removal occurs.

NOW, THEREFORE, BE IT ORDAINED by the Green Township Committee that the Code of the Township of Green is amended as follows:

Section 1. The Code is amended to add a new Section 30-17.1B, “Tree Preservation” and to state in its entirety as follows:

30-17.1B Tree Preservation.

a. Purpose:

The purpose of this section is to protect trees and woodlands from indiscriminate destruction and damage, and further to reduce soil erosion and pollutant runoff, promote infiltration of rainwater into the soil, and protect the environment, public health, safety, and welfare.

b. Definitions:

Definitions are created to include the following:

For the purpose of this section, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter 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

ORDINANCE NO. 2024-09
TOWNSHIP OF GREEN, COUNTY OF SUSSEX, STATE OF NJ

number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely discretionary.

CLEAR CUTTING - The removal of most or all trees on a property at one time for the purpose of creating a lawn or graded areas on that property.

HAZARD TREE - 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, where pruning attempts have not been effective
4. Is located near an existing structure and poses a threat to that structure since the structure is located in the fall zone of said tree
5. Has a root system that is causing or has the potential to cause damage to structures (such as building foundations, sidewalks, etc.)
6. Located in close proximity to a municipal right-of-way, infrastructure or property (real or personal)
7. Could pose a threat to safety or public health

LOT DISTURBANCE – Includes all areas disturbed for the purpose of the construction of buildings and structures as well as all graded areas and lawns. The total shall include disturbed areas both inside and outside of the building envelope.

PERSON - Any individual, resident, corporation, utility, company, partnership, firm, or association.

RESIDENT - An individual who resides on the residential property or contractor hired by the individual who resides on the residential property where a tree(s) regulated by this ordinance is removed or proposed to be removed.

STREET TREE - A tree planted within a Municipal right-of-way strip.

TRACT DISTURBANCE - Any lot improvement, including construction or expansion of buildings, decks, sheds, garages, driveways, lawns, pools, septic fields, land clearing, tree removal, terracing and other land improvements.

TREE - 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.

TREE REMOVAL - 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, over-mulching or improper mulching, and improper grading and/or soil compaction within the critical root radius around the base of 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.

c. *Clear Cutting or Tree Harvesting is Prohibited*

With the exceptions of the exemptions established in this section, no person shall cut or remove, or cause to be cut or removed, any existing trees for the purpose of clear cutting or harvesting unless the cutting and removal can be accomplished in accordance with the provisions set forth in this chapter.

d. *Exemptions*

The following shall be exempted from the requirements of this article:

1. Commercial nurseries or fruit orchards.
2. Christmas tree farms.
3. Any tree which is a part of a cemetery.
4. Trees directed to be removed by the Township, County, State or Federal authority pursuant to law.
5. Removal of hazard trees.
6. Pruning or removal of street trees by utility companies or maintenance of utility wires or pipelines and the pruning of trees within sight easements.
7. Trees removed in conjunction with the Right to Farm Act, on qualifying farms.

ORDINANCE NO. 2024-09
TOWNSHIP OF GREEN, COUNTY OF SUSSEX, STATE OF NJ

8. Parcels of land with a forest management plan or woodland management plan that has the required approval by the NJDEP Division of Forestry or the appropriate State agency. These plans are on file in the Tax Assessors office.
9. Tree removal on a property for the purpose of constructing a firebreak that will create a strip of ground where vegetation will be removed to stop the progress of forest fires.
10. Street trees which are required to be removed by property owners due to said trees interfering with driver sight distances or are dead or dying and need to be removed to preserve the public health, safety and general welfare.
11. Parcels of land with preliminary site plan or subdivision approval, major or minor. Removal of trees prior to Township Land Use Board approval is prohibited, unless it is part of site investigation such as percolation test for septic system suitability.
12. Trees to be removed as necessary to permit the construction of buildings, structures, decks, pools, driveways, septic field, lawn area for recreational use for the residents of the dwelling and any other improvements approved by way of a Zoning Permit issued by the Township Zoning Officer.
13. Trees removed as required to install a new and/or repair an existing septic system as approved by the Sussex County Health Department or the New Jersey Department of Environmental Protection.

e. *Review and Design Standards*

- A. Healthy trees outside of the approved building disturbance areas should be retained to maintain resource protection and buffering to neighboring properties, unless the trees pose a hazard to person or property or whereby the approved construction grading or disturbance would cause damage to a tree creating an unsafe condition.
- B. Trees and vegetation shall not be removed in wetlands, wetland buffers, slopes in excess of 25 percent, flood plains, stream buffers, dedicated conservation easements or other environmentally protected areas unless approvals from the New Jersey Department of Environmental Protection (NJDEP) and/or Green Township have been obtained.
- C. No trees shall be removed, unless exempted as defined in subsection d, above, from steep slope areas unless the disturbance area is less than the allowable disturbance areas as defined by the Township's Land Use Regulations. Approval

ORDINANCE NO. 2024-09
TOWNSHIP OF GREEN, COUNTY OF SUSSEX, STATE OF NJ

from the Township Land Use Board will be required for any removal of trees from areas that exceed the allowable disturbance area. Any cutting that occurs prior to the necessary approvals being granted will be considered unauthorized.

- D. Commercial properties removing trees, planting of trees and landscaping are part of any Land Use Board approval and shall be in accordance with Chapter 30, Land Use Regulations of the Code of Green Township. Any cutting that occurs prior to receiving the necessary approvals being granted will be considered unauthorized.

f. *Enforcement*

This section shall be enforced by the Township’s Zoning Officer, or designee of the Township Administrator during the course of ordinary enforcement duties. It shall be unlawful for any reason to violate any part of this section adopted by the Green Township Committee.

g. *Violations and Penalties*

- A. Any removal of trees that is not part of a zoning permit or Land Use Board approval or are exempt as defined in subsection d will be considered not permitted and disturbed areas will need to be replaced and restored in a manner approved by the Land Use Board by resolution.
- B. Penalty. The Township Administrative Code Section 1-5 shall apply to any violation of the tree removal regulations contained in this section.

Section 2. Severability:

Each section, subsection, sentence, clause, and phrase of this Section is declared to be an independent section, subsection, sentence, clause, and phrase, and finding or holding of any such portion of this Section to be unconstitutional, void, or ineffective for any cause or reason shall not affect any other portion of this Section.

Section 3. Inconsistency/Repealer:

All prior ordinances or parts of the same inconsistent with any provisions of this article are hereby repealed to the extent of such inconsistency.

Section 4. Effective Date:

This Ordinance shall take effect twenty (20) days after final adoption and publication as required by law.

ORDINANCE NO. 2024-09
TOWNSHIP OF GREEN, COUNTY OF SUSSEX, STATE OF NJ

NOTICE

The above-entitled Ordinance was introduced and passed at first reading by the Green Township Committee at a meeting held on November 4, 2024, and after publication and a public hearing was finally adopted by the Green Township Committee at a meeting held on November 25, 2024.

ATTEST:

TOWNSHIP OF GREEN,
IN THE COUNTY OF SUSSEX



Mark Zschack, RMC, Township Clerk



Margaret Phillips, Mayor

Record of Vote - Introduction:

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
DeYoung	√		√			
Qarmout			√			
Raffay			√			
Rose		√	√			
Mayor Phillips			√			

Record of Vote - Adoption:

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
DeYoung			√			
Qarmout	√		√			
Raffay			√			
Rose		√	√			
Mayor Phillips			√			

INTRODUCED: November 4, 2024
ADOPTED: November 25, 2024

ADVERTISED: November 8, 2024
ADVERTISED: December 1, 2024