

**BOROUGH OF RIVER EDGE
ORDINANCE NO. 25-18**

**AN ORDINANCE AMENDING SECTIONS 384-7 AND 384-8 OF ARTICLE II OF
CHAPTER 384 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF
RIVER EDGE, ENTITLED "TREES"**

BE IT ORDAINED by the Mayor and Council of the Borough of River Edge, County of Bergen, State of New Jersey, as follows:

Section 1. Section 384-7, entitled "Tree replacement requirements", of Article II, Tree Removal and Replacement of Chapter 384, Trees, of the Code of the Borough of River Edge, is hereby amended to read as follows:

- A. Any person who seeks to remove any street tree, unless exempt under § 384-8, shall be required to obtain a tree removal permit from the Superintendent or designee of the Department of Public Works and shall be subject to the requirements of the Tree Replacement Requirements Table below.
- B. Any person who seeks to remove any tree with a DBH of six inches or more from any property within the Borough of River Edge, unless exempt under § 384-8, shall be required to obtain a tree removal permit from the Superintendent or designee of the Department of Public Works and shall be subject to the requirements of the Tree Replacement Requirements Table.
- C. The species type and diversity of replacement trees shall be in accordance with the most recent list of native trees published by the New Jersey Department of Environmental Protection which shall be listed in Appendix A
- D. Replacement tree(s):
 - 1) shall be replaced in kind with a tree that has an equal or greater DBH than the tree removed or meet the tree replacement criteria in the table below;
 - 2) For non-construction removals, must be planted within 12 months of the date of removal of the original tree(s) or at an alternative date specified by the Borough;
 - 3) If a construction permit is issued, replacement must be completed before a certificate of occupancy is issued by the Building Department;
 - 4) shall be monitored by the applicant for a period of two years to ensure their survival and shall be replaced as needed within 12 months; and
 - 5) Shall not be planted in temporary containers or pots, as these do not count towards tree replacement requirements.
 - 6) and the permit site will be reinspected before close out of the permit.

Tree Replacement Requirements Table:

Category	Tree Removed (DBH)	Tree Replacement Criteria (See Appendix A)
1	DBH of 2.5" (for street trees) or 6" (for non-street trees) to 15.99"	Replant 1 tree with a minimum tree caliper of 1.5" for each tree removed
2	DBH of 16" to 25.99"	Replant 2 trees with minimum tree calipers of 1.5" for each tree removed
3	DBH of 26" to 35.99"	Replant 3 trees with minimum tree calipers of 1.5" for each tree removed
4	DBH of 36" or greater	Replant 4 trees with minimum tree calipers of 1.5" for each tree removed

- E. Administration or application fee for the processing of each tree removal permit is \$100. Any subsequent application or request shall be subject to the same fee requirement. All application fees will be deposited into the shade tree fee account. A refundable bond in the amount of \$400 per tree must be provided at the time of application. Bonds will be refunded once the replacement tree or trees have been planted and inspected by the Superintendent of Public Works or designee.
- F. Replacement alternatives: Unless the Superintendent or designee of the Department of Public Works has determined otherwise, all property owners must replace any tree removed with 100% of the trees that are required in Section 384-7(D) (Tree Replacement Requirements Table) on the approved tree permit that allows the tree removal be done on the property. For any trees that are not replanted on the property where the tree removal activity occurred, with the approval of the Superintendent or designee of the Department of Public Works , the applicant shall do one of the following:
- (1) Plant replacement trees in a separate area(s) approved by the municipality.
 - (2) Pay a fee of \$400 per tree not replanted in accordance with the tree replacement criteria in the above table. This fee shall be placed into the Borough's Shade Tree Trust Fund.

Section 2. Section 384-8, entitled "Exemptions", of Article II, Tree Removal and Replacement of Chapter 384, Trees, of the Code of the Borough of River Edge, is hereby amended to read as follows:

All property owners shall comply with the tree replacement standard outlined

above, except in the following cases. Proper justification shall be provided, in writing, to the municipality by all property owners claiming an exemption including photos, a detailed explanation as to why they should be exempt and any statements from a licensed tree expert or arborist.

- A. Tree farms in active operation, nurseries, fruit orchards, and garden centers;
- B. Properties used for the practice of silviculture under an approved forest stewardship or woodland management plan that is active and on file with the Borough;
- C. 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;
- D. 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;
- E. Approved game management practices, as recommended by the State of New Jersey Department of Environmental Protection, Division of Fish, Game and Wildlife;
- F. Hazard trees may be removed with no fee, provided however, that the grinding of the tree stump is required as part of the removal process.

Section 3. Any and all other ordinances or parts thereof in conflict or inconsistent with any of the terms hereof are hereby repealed to such extent of such conflict or inconsistency.

Section 4. In case any article, section or provision of this ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect any other article, section or provision of this ordinance except insofar as the article, section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 5. This Ordinance shall take effect immediately upon final passage and publication as required by law.

INTRODUCED: _____

ADOPTED: _____

Thomas Papaleo, Mayor

ATTEST:

Anne Dodd, RMC
Borough Clerk/Assistant Borough Administrator