BOROUGH OF PARK RIDGE ORDINANCE NO. 2024-009

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 80 OF THE CODE OF THE BOROUGH OF PARK RIDGE ENTITLED "PROPERTY MAINTENANCE"

BE IT ENACTED AND ORDAINED, by the Governing Body of the Borough of Park Ridge those portions of the aforesaid set forth below are hereby amended as follows and that those portions of the Ordinance not set forth below shall remain unchanged.

Chapter 80 entitled "Property Maintenance Article IX, Tree Removal" to be amended and supplemented as follows:

SECTION I. Purpose:

An ordinance to establish requirements for tree removal and replacement in Borough of Park Ridge to reduce soil erosion and pollutant runoff, promote infiltration of rainwater into the soil, and protect the environment, public health, safety, and welfare.

SECTION II. Definitions:

For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this ordinance 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 number, and words used in the singular number include the plural number. The use of the word "shall" means the requirement is always mandatory and not merely directory.

- A. "Applicant" means any "person", as defined below, who applies for approval to remove trees regulated under this ordinance.
- B. "Clear-cutting" means the removal in any calendar year of more than four trees or 25% of the trees on any lot in the Borough as depicted on the Borough's tax map or on or in any approved subdivision plat or deed, whichever lot is smaller in size, not on any Borough right-of-way.
- C. "Critical Root Radius (CRR)" means the zone around the base of a tree where the majority of the root system is found. This zone is calculated by multiplying the diameter at breast height (DBH) of the tree by 1.5 feet. For example: a tree with a 6" DBH would have a CRR = 6"x1.5" = 9'.
- D. "Diameter at Breast Height (DBH)" means the diameter of the trunk of a mature tree generally measured at a point four and a half feet above ground level from the uphill side of the tree. For species of trees where the main trunk divides below the 4 ½ foot height, the DBH shall be measured at the highest point before any division.
- E. "Hazard Tree" means 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. A Licensed Tree Expect to make all Hazard tree determination.
 - 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 causing obvious damage to structures (such as building foundations, sidewalks, etc.); or
- 5. Is determined to be a threat to public health, safety, and/or welfare by a certified arborist or Licensed Tree Expert (LTE).
- F. "Person" means any individual, resident, corporation, utility, company, partnership, firm, or association.
- G. "Planting strip" means the part of a street right-of-way between the public right-of-way and the portion of the street reserved for vehicular traffic or between the abutting property line and the curb or traveled portion of the street, exclusive of any sidewalk.
- H. "Resident" means 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.
- I. "Street Tree" means a tree planted in the sidewalk, planting strip, and/or in the public right-of-way adjacent to the portion of the street reserved for vehicular traffic. This also includes trees planted in planting strips within the roadway right-of-way, i.e., islands, medians, pedestrian refuges.
- J. "Tree" means 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.
- K. "Tree Caliper" means the diameter of the trunk of a young tree, measured six (6) inches from the soil line. For young trees whose caliper exceeds four (4) inches, the measurement is taken twelve (12) inches above the soil line.
- L. "Tree removal" means 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.

SECTION III. Regulated Activities:

- A. Application for clear-cutting permit: Applications for permission to clear-cut a lot are to be filed with the Zoning Office and will state the information requested on the application, including:

 - The applicant's name, address, and telephone number.
 The address, block and lot number, and location of the property.
 - 3. A site plan or survey of the property showing the location of the trees proposed to be cut.
 - 4. The applicant also will use visible weatherproof markings on the trees proposed to be cut, provided that no paint or chemicals that are harmful to the trees are used.
 - 5. An application fee in the amount of \$50 to be paid upon the filing of an application under this article.

B. Review of applications

The Zoning Officer will grant or deny any application filed under this article within 30 days of the receipt of the application and fee, unless the applicant consents to an extension. If no action is taken by the Zoning Officer within this time period, then the application will be deemed denied. Any application for clear cutting will be reviewed by the Zoning Officer and will be granted or denied on written notice sent to the applicant at the address stated in the application. The Zoning Officer may request comment on the application from the other Borough employees, Construction Official, Green Team, Shade Tree Committee, Borough Planner, and/or Borough Engineer.

C. Tree Replacement Requirements

- 1. Any person who removes one or more street tree(s) with a DBH of 8" or more, unless exempt under Section IV, shall be subject to the requirements of the Tree Replacement Requirements Table below.
- 2. Any person, who removes one or more tree(s), as defined as Tree removal, with a DBH of 8" or more per acre, unless otherwise detailed under Section IV, shall be subject to the requirements of the Tree Replacement Requirements Table.

The species type and diversity of replacement trees shall be in accordance with Appendix A

Replacement tree(s) shall:

- 1. Be replaced in kind with a tree that has an equal or greater DBH than tree removed <u>or</u> meet the Tree Replacement Criteria in the table below;
- 2. Be planted within twelve (12) months of the date of removal of the original tree(s) or at an alternative date specified by the municipality;
- 3. Be monitored by the applicant for a period of two (2) years to ensure their survival and shall be replaced as needed within twelve (12) months; and
- 4. Shall not be planted in temporary containers or pots, as these do not count towards tree replacement requirements.

Category	Tree Removed	Tree Replacement Criteria	Application Fee		
	(DBH)	(See Appendix A)			
1	DBH of 2.5" (for	Replant 1 tree with a minimum	\$50.00		
	street trees) or 6"	tree caliper of 1.5" for each tree			
	(for non-street	removed			
	trees) to 12.99"				
2	DBH of 13" to	Replant 2 trees with minimum	\$75.00		
	22.99"	tree calipers of 1.5" for each tree			
		removed			
3	DBH of 23" to	Replant 3 trees with minimum	\$100.00		
	32.99"	tree calipers of 1.5" for each tree			
		removed			
4	DBH of 33" or	Replant 4 trees with minimum	\$100.00		
	greater	tree calipers of 1.5" for each tree			
		removed			

Tree Replacement Requirements Table:

D. Replacement Alternatives:

- 1. If the municipality determines that some or all required replacement trees cannot be planted on the property where the tree removal activity occurred, then the applicant shall do one of the following:
 - a. Plant replacement trees in a separate area(s) approved by the municipality.
 - b. Pay a fee of \$500.00 per tree removed. This fee shall be placed into a fund dedicated to tree planting and continued maintenance of the trees.

SECTION IV. Exemptions:

All persons shall comply with the tree replacement standard outlined above, except in the cases detailed below. Proper justification shall be provided, in writing, to the municipality by all persons claiming an exemption. Proper justification shall be made by a NJ licensed tree expert as per NJ Statue 45:15C-11 or arborist.

- A. Residents who remove less than four (4) trees per acre that fall into category 1, 2, or 3 of the Tree Replacement Requirements Table within a five-year period. [The number of trees removed is a rolling count across a five-year period. For example, if 3 trees from category 1 are removed in July 2023, the 'count' resets to zero in July 2028. However, if 1 tree from category 1 is removed in July 2023 and another in July of 2025 the first tree will come off the count in July 2028 and the second in July 2030.]
- B. Tree farms in active operation, nurseries, fruit orchards, and garden centers;
- C. Properties used for the practice of silviculture under an approved forest stewardship or woodland management plan that is active and on file with the municipality;
- D. 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.
- E. 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;
- F. Approved game management practices, as recommended by the State of New Jersey Department of Environmental Protection, Division of Fish, Game and Wildlife;
- G. Hazard trees may be removed with no fee or replacement requirement.

SECTION V. Enforcement:

This ordinance shall be enforced by the Zoning Officer.

SECTION VI. Violations and Penalties:

The Borough's Zoning Officer will enforce this article. For violation of this article, there shall be a fine of \$250. Each tree that is cut in violation of this article shall be a considered a separate violation. In addition to fines, the Zoning Officer may require implementation of any remedial measures recommended by the Borough Engineer and/or Borough Planner to correct the violations of this article.

SECTION VII. Severability:

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

SECTION VIII. Effective Date:

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

	of Park H	Ridge	
Tree Species	Cultivars	Planting	Planting Procedure
		Season	(soil type, watering, pruning,
			staking, wrapping, exposure,
			depth, mulching, etc)
Acer Rubrum		Spring /	Full Sun to Part Shade, Soil
Red Maple		Fall	Moisture - average to wet, Soil
-			Type wide range (clay to sandy
			loam)
Acer Saccharum		Fall / early	Full Sun to Part Shade, Soil
Sugar Maple		winter	Moisture - average to dry, Soil
			Type wide range (clay to sandy
			loam)
Acaer x Freemanii	Armstrong,	Spring /	Full Sun, Soil Moisture -
Freeman Maple	Fairfall,	Fall	average to dry, Soil Type wide
1	Marmo,		range (clay to sandy loam)
	scarlet		
	Sentinel		
Amelanchier laevis		Spring /	Full Sun to Part Shade, Soil
Shadblow Serviceberry		Fall	Moisture - average to wet, Soil
Shudorow Serviceberry		1 ull	Type wide range (prefers well-
			drained loams)
Betula Nigra		Spring /	Full Sun, Soil Moisture -
River Birch		Fall	average to wet, Soil Type-
River Blieff		1'all	Prefers moist, acidic, fertile
			soils
Cominus Constinions	Notivo Elomo	Samina	
Carpinus Caroliniana American Hornbeam	Native Flame	Spring	Part Shade, Soil Moisture -
American Hornbeam			average to wet, Soil Type -
			Prefers moist, organically rich
			soils.
		C	Earli Gran de Deut Che de Cell
<u>Celtis Occidentalis</u>		Spring	Full Sun to Part Shade, Soil
Hackberry			Moisture - average to dry, Soil
			Type wide range (clay to sandy
		T 11	
Cercis Canadensis		Fall	Full Sun to Part Shade, Soil
Eastern Red Bud			Moisture - average to wet, Soil
			Type - Performs best in
		-	moderately fertile soils
Cercis Chinensis		Late	Full Sun to Part Shade, Soil
Chinese Redbud		Spring /	Moisture - average to wet, Soil
		Early	Type - Performs best in
		Summer	moderately fertile soils
<u>Cladrastis Kentukea</u>	Sweetshade,	Spring	Full Sun, Soil Moisture -
Yellowwood	Perkins Pink		average, Soil Type - Prefers
			moist well drained, organically
			rich soils.
Crataegus Crus-galli	Thornless	Spring /	Full Sun, Soil Moisture -
Cockspurn Hawthorn	varieties only	Fall	average to medium moisture,
			Soil Type wide range (clay to
			sandy loam)
<u>Ginkgo Bilobra</u>		Spring /	Full Sun, Soil Moisture -
Ginkgo, Maidenhair Tree		Fall	average to medium moisture,
			Soil Type wide range (clay to
			sandy loam)
Gladitsia Triacanthos	Moraine,	Spring /	Full Sun, Thornless, Soil
Honey Locust	Shademaster,	Fall	Moisture - average to medium
	Sunburst,		moisture, Soil Type wide range
	Imperial		(clay to sandy loam)
Gymnocladus Dioicus		Early	Full Sun, Soil Moisture -
Kentucky Coffeetree		Winter /	Medium moisture, Soil Type
		Early	organically rich, well-drained
1		-	soils
		Spring	SOUS

<u>Appendix A</u> Approved list of Replacement tree Species and Planting Standards for Borough of Park Ridge

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range (clay to sandy loam)			~r	
Prefer moist fertile loams				range (clay to sandy loam)
				Prefer moist fertile loams

Quaraus Phallas		Spring	Full Sun, Soil Moisture -
Quercus Phellos Willow Oak		Spring	-
willow Oak			average to medium moisture,
			Soil Type wide range (clay to
			sandy loam) Prefer moist well-
			drained loams
Quercus Robur		Spring	Full Sun, Soil Moisture -
English Oak			average to medium moisture,
			Soil Type wide range (clay to
			sandy loam) Prefer moist well-
			drained loams
Quercus Rubra		Spring	Full Sun, Soil Moisture -
Northern Red Oak		1 0	average to medium moisture,
			Soil Type wide range (clay to
			sandy loam) Prefers acidic soil
Tilia Americana		Spring /	Full Sun to Part Shade, Soil
American Linden		Fall	Moisture - average to medium
		1 411	moisture, Soil Type wide range
			(clay to sandy loam) Prefers
			moist, fertile, well-drained
			loams
Tilia condete		Serie a /	
<u>Tilia cordata</u>		Spring /	Full Sun to Part Shade, Soil
Little Leaf Linden		Fall	Moisture - average to medium
			moisture, Soil Type wide range
			(clay to sandy loam) Prefers
			moist, fertile, well-drained
			loams
<u>Ulmus Americana</u>	Accolade,	Spring /	Full Sun to Part Shade, Soil
American Elm	Frontier	Fall	Moisture - average to medium
			moisture, Soil Type - Prefers
			moist, fertile, well-drained
			loams
Zelkova Serrata		Spring	Full Sun, Soil Moisture -
Zelkova		1.0	average to medium moisture,
			Soil Type - Prefers rich, moist
			loams

Adopted ___/__/ ___ on roll call vote as follows:

	Introduced	Seconded	AYES	NAYES	ABSENT	ABSTAIN
Capilli						
Ferguson						
Goldsmith						
Hoffman						
Metzdorf						
Mintz						

APPROVED:

KEITH J. MISCIAGNA, MAYOR

Attest:

Magdalena Giandomenico Borough Clerk / Administrator