

TREE CERTIFICATION

I hereby certify that I have read the Tree Preservation Ordinance below, and that I understand the provisions contained therein, and that as part of my proposed development of the following land , no trees will be removed , nor will grades be changed more than six (6) inches within six (6) feet of any tree:

Address Block Lot

Sworn to and subscribed before me this _____ day of _____, 20____

Signature of Applicant Witness

GENERAL POLICE REGULATIONS 5-9

5-9 Indiscriminate Cutting of Trees. (Amended 6-12-73; 2-2-93 by Ord. No. 93-6)

5-9.1 Purpose. It is the intent of this section to promote the general welfare of the residents of the Township of Piscataway by providing for the protection, regulation, planting and cutting of trees in such a way as to protect and preserve the environment.

5-9.2 Legislation Findings. The governing body of the Township of Piscataway does find that the indiscriminate, uncontrolled, and excessive destruction, removal and cutting of trees upon lots and tracts of land within the township has resulted in creating increased water runoff, soil erosion, stream channel sedimentation and consequent flooding, depression of the water table, noise pollution and dust, and decreased soil fertility, air quality, climate moderation, wildlife habitat and property values, with the result that there has been and will continue to be further deterioration affecting the health, safety and general well being of the residents of the Township of Piscataway.

5-9.3 Definitions. As used in this section, the following terms shall have the meanings indicated:

Caliper shall mean the diameter of a tree measured at a point on the tree one foot from ground level.

Person shall mean any individual, firm, partnership, association or corporation.

Site shall mean any lot, tract, parcel or parcels of land within the township.

Tree shall mean any deciduous or coniferous species which has a caliper greater than three inches.

Tree removal and site clearing permit shall mean a certificate issued by the township engineer or designated representative of the department of community development of the township to authorize removal or destruction of "trees" as defined in this section.

Undisturbed area shall mean an area in which trees, shrubs and undercover will not be disturbed by filling, cutting or by any other means.

5-9.4 *Chipping or Removal Restricted.* No person shall remove or destroy or cause to be removed or destroyed any tree (as defined above) growing within the Township of Piscataway without first having obtained a tree removal and site clearing permit except as otherwise provided herein.

5-9.5 *Limitations and Exemptions.* Exempted from this section's provisions shall be trees located on a tract of land, one acre or less, in all one family residential zones which tract of land has an existing residential building located thereon; also exempt are trees growing upon commercial nursery tracts or orchards.

5-9.6 *Application Procedures for Tree Removal and Site Clearing Permits Where No Subdivision of Land and/or Site Plan Applications Are Required.* [Amended 6-22-93 by Ord. No. 93-45]

a. *Residential Property.* To obtain a tree removal and site clearing permit, applicant must furnish a sketch of the property of sufficient accuracy showing the approximate location, trunk diameter and species of trees to be removed with the director or designated representative of the department of community development who, upon review and inspection (when necessary), shall have sole authority for permit approval.

b. *Nonresidential Property, Vacant or Otherwise Developed.* No trees shall be removed unless and until an application in duplicate has been filed with the director or designated representative of the department of community development who, upon receipt of same, shall solicit the comments of the environmental commission (E.C.) to the extent possible and practical and conduct site inspection and review findings of the E.C. as to the propriety of issuing the permit.

5-9.7 *Tree Removal / Replacement Plan.* [Amended 6-22-93 by Ord. No. 93-45]

a. A specific replacement plan in accordance with the provisions set forth herein may be offered to the planning board or zoning board of adjustment as appropriate, proposing replacement be made on an alternate site, such as, but not limited to, municipal parkland, municipal recreation facilities or as shade tree plantings throughout the Township of Piscataway. Said plan shall include the following:

1. A plot plan or plat, on a scale of one inch equals 100 feet or less, showing the existence of wooded areas and clearly marked boundaries of the plots used to determine the average wooded acre for the site. For

each plot there shall be a listing identifying the number and species of trees inventoried, to the extent possible and practical. The plot plan shall include a lot and block number, the street number if assigned and a certification of compliance with the requirements of this chapter.

2. Location of streams and watercourses.
3. Location of slopes of greater than ten percent where any tree removal is proposed.
4. Location(s) on the tract where the tree removal is to take place.
5. Total acreage of the tract.
6. Total number of wooded acres permitted for development within the tract.

7. For tracts less than two acres, the total number, by species of trees having a caliper of three inches or greater on the tract. For tracts greater than two acres, the applicant may make an estimate of the total quantity of trees to be removed, by species, based on the average wooded acre for the site.

b. All specific plans for the replacement of removed trees shall be based upon the following formulas:

1. For trees with a caliper of three inches or greater, replacement trees shall have a minimum caliper of three inches and shall be a species selected from a current list on file with the director or designated representative of the department of community development and shall be subject to final approval by the director or designated representative of the department of community development.

2. Any trees with a caliper equal or greater than three inches not removed but left standing in areas designated for removal shall be credited against the total replacement count on a one for one basis.

5-9.8 *Standards for Issuance of a Permit; Inspection and Compliance.* [Amended 6-22-93 by Ord. No. 93-45]

a. The holder of a tree removal permit shall notify the director of the department of community development or designated representative, in writing, at least three business days in advance of the proposed date of commencement of tree removal. No activity shall take place on Saturdays, Sundays or legal holidays without the express written approval of the director or designated representative of the department of community development.

b. No tree removal and/or site clearing permit shall be issued unless and until the land and subject trees have been viewed by the director or designated representative of the department of community development and same concludes that tree removal from the site in accordance with the permit shall not impair the growth and development of the remaining trees on the site and/or adjacent/contiguous properties, including but not limited to the following:

1. Machinery or materials shall not be permitted to be operated/placed within a radius of six feet from any tree trunk;
 2. The grade of the land located within six feet of any tree trunk shall not be raised or lowered more than six inches;
 3. The proposed tree removal shall not cause soil erosion or increased dust;
 4. The proposed tree removal shall not impair existing drainage patterns;
 5. The proposed tree removal shall not substantially impair the aesthetic values of the area; and
 6. The proposed tree removal shall not be in conflict with any recommendations and/or findings of the planning board and/or zoning board of adjustment.
- c. The holder of a tree removal permit shall inform the director or designated representative of the department of community development as to the proposed method of disposal of any removed trees, so that same shall be done in an environmentally sound manner.

5-9.9 Fees; Penalties; Performance Guarantees. [Amended 6-22-93 by Ord. No. 93-45]

- a. Fees payable for the filing of an application for a tree removal and/or site clearing permit shall be one hundred (\$100.00) dollars filing fee and two hundred (\$200.00) dollars inspection fee for any site of one acre or less. An additional two hundred (\$200.00) dollar inspection fee shall be required for each additional two acres or portion thereof.
- b. Fees for removal of trees not authorized by a permit as described herein, notwithstanding the exceptions listed previously, shall be (\$25.00) dollars per tree removed to a maximum of five thousand (\$5,000.00) dollars per acre unless an alternate tree replacement plan is authorized by the planning board or zoning board of adjustment; the director of the department of community

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development or designated representative may require trees to be replanted on property damaged by unauthorized tree removal, in addition to authorizing penalties as described herein, with requirements including but not limited to the following:

1. Any trees authorized by a replacement plan will be required to be planted prior to the issuance of a building permit or certificate of occupancy, whichever is applicable, and inspected for compliance with the terms and conditions of this section. A performance bond may be posted to guarantee the work at a rate of three hundred (\$300.00) dollars per tree to be replaced; the amount of the bond to be approved by the director of the department of community development or designated representative and the form of the bond to be approved by the Township of Piscataway Director of Law or designated representative.
2. The penalty fees collected as described herein shall be placed into a fund to be administered by the township for the purpose of tree maintenance and replacement.
 - c. A maintenance bond shall be required to be posted in the amount of 20 percent of the total cost of the replacement trees for any trees authorized to be planted as part of a tree replacement plan. In the event that a performance bond shall be posted to guarantee authorized tree replacement, a maintenance bond shall be required to be posted prior to the request to the governing body for release of the performance bond.
 - d. All fees, penalties and/or posting of bonds as described herein shall be paid and/or posted, as applicable, prior to the request for any building permit or certificate of occupancy for any structure on the property described as part of any tree removal activity as described herein. All fees payable to the township are required to be submitted in the form of cash, certified check or money order.

5-9.10 Penalties for Noncompliance. [Amended 6-22-93 by Ord. No. 93-45]

- a. Any person found guilty of violating any of the provisions of this section shall be subject to a fine not to exceed fifteen hundred (\$1,500.00) dollars for each violation and the courts which now or hereafter have jurisdiction for the violations of ordinances of the Township of Piscataway shall have jurisdiction for the purpose of this section. Each day that such violation continues shall be considered a separate violation, subject to fines as the courts deem appropriate.

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b. In addition to the penalties authorized by the subsection above, the court may require a person who removes or otherwise destroys a tree in violation of this section to pay a replacement assessment to the municipality. The replacement assessment shall be the value of the tree as determined by the appraisal of the director or designated representative of the department of community development or a certified tree expert retained by the township for such purpose.

5-9.11-5-9.13 Reserved. [Repealed 6-22-93 by Ord. No. 93-45]

5-10 Carrying, Use and Discharge of Firearms.

5-10.1 Purpose. This section is enacted as a measure to safeguard the residents of the township and to provide for their public safety and welfare and to protect their property.