

BOROUGH OF HIGHLAND PARK

ORDINANCE NO. 20-2006

An Ordinance of the Borough of Highland Park, County of Middlesex, Amending Chapter 388 of the "Code of the Borough of Highland Park" concerning Tree Removal and Protection.

BE IT ORDAINED by the Highland Park Borough Council, Middlesex County, that Sections 388-11 A and D of the "Code of the Borough of Highland Park" is amended to read as follows: [bracketed material deleted], underlined material new:

§ 388-11. Tree replacement.

Any tree removed pursuant to this Chapter and having a DPM of 8 inches or greater shall be replaced, unless otherwise exempt, by planting a replacement tree(s) or making a payment in mitigation.

A. Planting of replacement trees

- a. All replacement trees of whatever species shall have DPM of not less than two-inch caliper.
- b. For any property for which tree replacement is required, trees shall be replaced according to the following schedule:
 - i. For each tree removed that is 8 inches DPM or greater but less than 20 inches, replacement shall be by one (1) replacement tree; and
 - ii. For each tree removed that is 20 inches DPM or greater but less than 36 inches, replacement shall be by two (2) replacement trees; and
 - iii. For each tree removed that is 36 inches DPM or greater, replacement shall be by three (3) replacement trees.]

- i. For any residential property that is owner-occupied, trees shall be replaced according to the following schedule:

For each tree removed that is 8 inches DPM or greater but less than 20 inches, replacement shall be by one (1) replacement tree;

For each tree removed that is 20 inches DPM or greater but less than 36 inches, replacement shall be by two (2) replacement trees; and

For each tree removed that is 36 inches DPM or greater, replacement shall be by three (3) replacement trees.

- ii. For residential property that is not owner-occupied and for any other property held for investment and for all commercial property, trees shall be replaced according to the following schedule:

For each tree removed that is 8 inches DPM or greater but less than 20 inches, replacement shall be by two (2) replacement trees;

For each tree removed that is 20 inches DPM or greater but less than 36 inches, replacement shall be by four (4) replacement trees; and

For each tree removed that is 36 inches DPM or greater, replacement shall be by six (6) replacement trees.

[D. Tree Replacement Fund. The Department of Code Enforcement and DPW, in consultation with the STAC, may permit an applicant to make a payment to the Borough's Tree Replacement Fund, established hereunder in § 388-12, in lieu of replacement of part or all of the trees removed pursuant to § 388-8. Such payment shall be calculated at a rate of \$500 for each deciduous tree and \$450 for each evergreen tree.

All replacement trees shall be planted on site in accordance with the foregoing. However, if one or more of the following conditions exist, some or all of the replacement trees may be planted off-site:

- a. The site in question cannot physically accommodate the total replacement amount of trees, and the applicant contributes an amount equal to the calculated monetary value of unreplaced trees to the Tree Replacement Fund; or
- b. The Department of Code Enforcement and applicant agree in writing that the applicant shall make payment to the Tree Replacement Fund based upon the above; or
- c. The Department of Code Enforcement in consultation with DPW and the STAC and applicant agree in writing that the applicant shall plant replacement trees off-site on municipally owned property pursuant to the municipal Community Forestry Management Plan.]

D. Monetary Mitigation. All replacement trees shall be planted on site in accordance with the foregoing. Monetary mitigation shall be made as a payment to the Tree Replacement Fund in an amount equal to \$400 for each unplanted replacement tree. Monetary mitigation shall be required if:

- a. the applicant for any reason plants fewer than the number of required replacement trees within the required six months of removal; or
- b. the applicant determines that the site will not accommodate the total number of required replacement trees and makes a monetary mitigation payment for each replacement tree that will not be planted; or
- c. a replacement tree dies within a year of planting and the applicant determines not to plant a new replacement tree.

2. This Ordinance shall take effect upon its passage and publication and provided for by law.

Introduced and Passed on first
reading: July 21, 2020

Adopted: August 18, 2020

Approved: August 18, 2020

Attest:

Joan Hullings, Borough Clerk

Gayle Brill-Mittler, Mayor