

§ 13-1. PURPOSE. [Added 5-13-2024 by Ord. No. 2024-12]

This chapter establishes requirements for tree removal and replacement in Point Pleasant Borough, Ocean County, New Jersey, to reduce soil erosion and pollutant runoff, promote infiltration of rainwater into the soil, and protect the environment, public health, safety, and welfare.

§ 13-2. DEFINITIONS. [Added 5-13-2024 by Ord. No. 2024-12]

For the purpose of this chapter, 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 number, and words used in the singular number include the plural number. The use of the word "shall" mean the requirement is always mandatory and not merely directory.

APPLICANT — Means any "person", as defined below, who applies for approval to remove trees regulated under this chapter.

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'.

DIAMETER AT BREAST HEIGHT (DBH) — Means the diameter of the trunk of a mature tree generally measured at a point 4 1/2 feet above ground level from the uphill side of the tree. For species of trees where the main trunk divides below the 4 1/2 foot height, the DBH shall be measured at the highest point before any division.

HAZARD TREE — Means a tree or limbs thereof that meet one or more of the criteria below per a certified arborist or licensed tree expert. 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. Has an infectious disease or insect infestation;
- b. Is dead or dying;
- c. Obstructs the view of traffic signs or the free passage of pedestrians or vehicles, where pruning attempts have not been effective;
- d. Is causing obvious damage to structures (such as building foundations, sidewalks, etc.); or
- e. Is determined to be a threat to public health, safety, and/or welfare by a certified arborist or Licensed Tree Expert (LTE).

PERSON — Means any individual, resident, corporation, utility, company, partnership, firm, or association.

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.

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 chapter is removed or proposed to be removed.

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.

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.

TREE CALIPER — Means the diameter of the trunk of a young tree, measured six inches from the soil line. For young trees whose caliper exceeds four inches, the measurement is taken 12 inches above the soil line.

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.

§ 13-3. REGULATED ACTIVITIES. [Added 5-13-2024 by Ord. No. 2024-12]

a. Application Process.

1. Any person planning to remove a street tree, as defined as Tree removal, with DBH of 6" or more or any non-street tree with DBH of 6" or more on their property shall submit a Tree Removal Application to Point Pleasant Borough. No tree shall be removed until municipal officials have reviewed and approved the removal.

Applicants will be subject to an application fee as per the table below.

b. Tree Replacement Requirements.

1. Any person who removes one or more street tree(s) with a DBH of 6" or more unless exempt under § 13-4, 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 6" or more, unless otherwise detailed under § 13-4, 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 § 13-7, Appendix A, Approved List of Replacement Tree Species and Planting Standards.

Replacement tree(s) shall:

1. Be replaced in kind with a tree as per the tree replacement criteria.
2. Be planted within 90 days of the date of removal of the original tree(s) or at an

alternative date specified by the municipality.

3. Shall not be planted in temporary containers or pots, as these do not count towards tree replacement requirements.

Tree Replacement Requirements Table:			
Category	Tree Removed (DBH)	Tree Replacement Criteria (See Appendix A)	Application Fee
1	DBH of 6" (for street trees) or 6" (for non-street trees) to 12.99"	Replant 1 tree with a minimum tree caliper of 1.5" for each tree removed	\$150
2	DBH of 13" to 22.99"	Replant 2 trees with minimum tree calipers of 1.5" for each tree removed	\$150
3	DBH of 23" to 32.99"	Replant 3 trees with minimum tree calipers of 1.5" for each tree removed	\$150
4	DBH of 33" or greater	Replant 4 trees with minimum tree calipers of 1.5" for each tree removed	\$150

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) Pay a fee of \$150 per tree removed. This fee shall be placed into a fund dedicated to tree planting and continued maintenance of the trees by the Borough.

§ 13-4. EXEMPTIONS. [Added 5-13-2024 by Ord. No. 2024-12]

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.

- 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 municipality;
- 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 or replacement requirement with a certified arborist or licensed tree expert or if deemed so by the Borough.

§ 13-5. ENFORCEMENT. [Added 5-13-2024 by Ord. No. 2024-12]

This chapter shall be enforced by the Point Pleasant Zoning Officer during the course of ordinary enforcement duties.

§ 13-6. VIOLATIONS AND PENALTIES. [Added 5-13-2024 by Ord. No. 2024-12]

Any person(s) who is found to be in violation of the provisions of this chapter shall be subject to a fine of \$250 per tree for the first offense and \$500 per tree for every offense thereafter.

§ 13-7. APPENDIX A REPLACEMENT TREE SPECIES AND PLANTING STANDARDS. [Added 5-13-2024 by Ord. No. 2024-12]

Appendix A Approved List of Replacement Tree Species and Planting Standards		
Tree Species Common and Latin Names	Planting Season	Planting Procedure (soil type, watering, pruning, staking, wrapping, exposure, depth, mulching, etc.)
Pin Oak <i>Quercus palustris</i>	March - May Fall Hazard	Reforestation, Tree Planting, and Maintenance Plan Guidelines dtd April 2021 from the NJDEP Urban and Community Forestry Program
White Oak <i>Quercus Alba</i>	March - May Fall Hazard	Same
Red Oak <i>Quercus rubra</i>	March - May Fall Hazard	Same
Willow Oak <i>Quercus phellos</i>	March - May Fall Hazard	Same
Chestnut Oak <i>Quercus prinus</i>	March - May Fall Hazard	Same
American elm <i>Ulmus americana</i>	March - May September - December	Same

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Tree Species Common and Latin Names	Planting Season	Planting Procedure (soil type, watering, pruning, staking, wrapping, exposure, depth, mulching, etc.)
American linden <i>Tilia americana</i>	March - May Fall Hazard	Same
Hickories <i>Carya spp</i>	March - May September - December	Same
American Sycamore <i>Platanus occidentalis</i>	March - May September - December	Same
Black gum <i>Nyssa sylvatica</i>	March - May Fall Hazard	Same
Sweetgum <i>Liquidambar styraciflua</i>	March - May September - December	Same
Tulip tree <i>Liriodendron tulipifera</i>	March - May Fall Hazard	Same
Bald cypress <i>Taxodium distichum</i>	March - May September - December	Same
Sugar maple <i>Acer saccharum</i>	March - May September - December	Same
Red maple <i>Acer rubrum</i>	March - May September - December	Same
London plane <i>Platanus acerifolia</i>	March - May September - December	Same
River Birch <i>Betula nigra</i>	March - May Fall Hazard	Same
Sassafras <i>Sassafras albidum</i>	March - May September - December	Same
Shadbush <i>Amelanchier canadensis</i>	March - May September - December	Same
Southern magnolia <i>Magnolia grandiflora</i>	March - May September - December	Same
Sweetbay magnolia <i>Magnolia virginiana</i>	March - May September - December	Same

Appendix A
Approved List of Replacement Tree Species and Planting Standards

Tree Species Common and Latin Names	Planting Season	Planting Procedure (soil type, watering, pruning, staking, wrapping, exposure, depth, mulching, etc.)
Eastern white pine <i>Pinus strobus</i>	March - May September - December	Same
American holly <i>Ilex opaca</i>	March - May September - December	Same
Pitch pine <i>Pinus rigida</i>	March - May September - December	Same
Eastern redcedar <i>Juniperus virginiana</i>	March - May September - December	Same
Flowering dogwood <i>Cornus florida</i>	March - May September - December	Same
Redbud <i>Cercis canadensis</i>	March - May September - December	Same
Spicebush <i>Lindera benzoin</i>	March - May September - December	Same
Crepe myrtle <i>Lagerstroemia indica</i>	March - May September - December	Same
American persimmon <i>Diospyros virginiana</i>	March - May September - December	Same
Pawpaw <i>Asimina triloba</i>	March - May September - December	Same

Disapproved Trees

The following list of trees are disapproved as replacement trees as they are invasive or otherwise inappropriate for a community setting.

Common Name	Latin Name	Reason for Disapproval
Callery or Bradford pear	<i>Pyrus calleryana</i>	Short lived and prone to storm damage, non-native
Tree of heaven	<i>Ailanthus altissima</i>	invasive, host to spotted lantern fly
Empress tree	<i>Paulownia tomentosa</i>	invasive, spreads aggressively
Norway maple	<i>Acer platanoides</i>	invasive

Disapproved Trees The following list of trees are disapproved as replacement trees as they are invasive or otherwise inappropriate for a community setting.		
Common Name	Latin Name	Reason for Disapproval
Silver maple	<i>Acer saccharinum</i>	brittle wood and shallow, fibrous root system
Autumn olive	<i>Elaeagnus umbellata</i>	invasive, displaces native species
Ginkgo tree	<i>Ginkgo biloba</i>	Invasive, noisome fruit