

**TOWNSHIP OF MORRIS
MORRIS COUNTY – NEW JERSEY
ORDINANCE NO. 01-25**

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MORRIS AMENDING AND READOPTING CHAPTER 57, PART 10 ARTICLE XXXIV OF THE TOWNSHIP CODE

WHEREAS, the Township Committee of the Township of Morris (the "Township") desires to amend Chapter 57, Part 10, Article XXXIV of the Code of the Township of Morris entitled Tree Protection Requirements; and

WHEREAS, the Mayor and Township Committee have determined that it is in the best interests of the Township to amend and readopt Chapter 57, Part 10, Article XXXIV of the Township's Code; and

NOW, THEREFORE, BE IT ORDAINED by the Township of Morris of the County of Morris and State of New Jersey as follows:

Section 1. Chapter 57, Part 10, Article XXXIV of the Code of the Township of Morris is hereby amended and readopted as follows:

Article XXXIV Tree Protection Requirements

§ 57-162 Tree conservation and protection in new developments.

A.

Purpose. The Township Committee of Morris Township has found that tree conservation will help secure safety from flood, promote a desirable visual environment, promote conservation of valuable natural resources and prevent degradation of the environment. Therefore, the Township desires in this article to regulate and control indiscriminate and excessive cutting of trees in conjunction with an application for site plan approval or major or minor subdivision approval within the Township, or otherwise, unless exempted, to protect older specimen trees and to encourage careful site design and grading to promote the preservation of existing trees.

B.

Definitions. The following words and expressions as used in this article shall have the following meanings, unless the context clearly indicates a different meaning:

ADMINISTRATIVE OFFICER

The Township Engineer or his or her designee.

BOARD

The municipal agency, either Planning Board or Board of Adjustment.

CLEAR-CUTTING

The removal of all standing trees on a lot or portion of a lot.

DIAMETER AT POINT OF MEASUREMENT

The diameter of a tree measured 4 1/2 feet above the ground level for existing trees to be surveyed in the field. On sloped terrain, such measurement shall be made on the downhill side. Diameter at point of measurement may appear in this section as the abbreviation "DPM."

DRIPLINE

An imaginary ground line around a tree that defines the limits of the tree canopy.

HOMESTEAD LOT

A preexisting lot located within a zone permitting single-family detached dwellings or two-family detached dwellings upon which is constructed a lawfully occupied single-family detached dwelling or two-family detached dwelling and which property, as a result of zoning restrictions, could not be further subdivided into two or more lots.

SILVICULTURE

The management of any wooded tract of land to ensure its continued survival and welfare, whether for commercial or noncommercial purposes, pursuant to a plan approved by the New Jersey Forestry Association.^[1]

SPECIMEN TREE

Any tree which has a DPM of 24 inches or greater.

TREE

Any tree species which has a DPM of eight inches or greater.

C.

Cutting or removal prohibited. No person shall cut down or remove any tree or specimen tree, and no landowner shall suffer or allow the cutting down or removal of any tree or specimen tree on his or her property, without first having complied with this article.

D.

Exceptions. The following shall be exempt from the provisions of this article:

(1)

Commercial nurseries and fruit tree orchards.

(2)

Christmas tree plantations and commercial farms, except as otherwise provided in § 95-34.3.

[Amended 12-14-2011 by Ord. No. 37-11]

(3)

Removal of trees which are dead, dying or diseased, or trees or specimen trees which have suffered severe damage or any tree or specimen tree whose angle of growth or location makes it a hazard to structures or human life.

(4)

Pruning or removal of any tree or specimen tree growing on or over a public right-of-way or public property by an appropriate authority or authorized utility company for maintenance of utility wires or pipelines.

(5)

Homestead lots, provided not more than eight (8) trees are removed within a five (5) year period. If more than eight (8) trees are removed within a five (5) year period, the property is subject to the requirements of this ordinance (Tree Removal and Replacement Permit required).

(6)

Silviculture.

(7)

Trees to be removed as part of normal, routine golf course maintenance to maintain limits of previously cleared fairways and other open areas on the course and prevent natural gradual encroachment into such areas, to

maintain the playability of the course as to its turf and course architecture, provided that at least 48 hours' advanced written notice is given to the Township Engineer.

[Added 5-19-1999 by Ord. No. 13-99]

E.

Permit required. Prior to the cutting down or removal of any tree or specimen tree which is subject to this article, a permit shall be obtained from the administrative officer. The application for a permit shall include a complete application form as prescribed by the administrative officer and shall comply with the following standards and requirements:

(1)

Name, address and phone number of the property owner.

(2)

Name, address and phone number of the applicant if different from the owner.

(3)

Consent, in writing, of the owner if the applicant is different than the owner.

(4)

Street address and tax lot and block numbers of the premises.

(5)

A mapped inventory of all trees and specimen trees by size and species located by a professional land surveyor within the area subject to tree removal and cutting and within a transition area 10 feet from the perimeter thereof.

(6)

A fee as prescribed in the fee schedule in § **57-29**.

(7)

A site plan showing the size, location and species of all trees and specimen trees within the disturbed area and a transition area 10 feet from the perimeter thereof shall be submitted to the Board. All tree locations shall be established by a professional land surveyor. In lieu of the foregoing, the Board may permit a more general identification of trees on a heavily wooded lot. Any significant tree canopy shall be shown and shall be delineated at the dripline.

(8)

The location of all streams, watercourses and freshwater wetlands shall be shown. No trees or specimen trees within 25 feet from the high-water mark of a stream or watercourse shall be removed.

(9)

The location and degree of all slopes of greater than 10% where any tree removal is proposed shall be shown.

(10)

All efforts shall be made by the applicant to preserve specimen trees, including, if necessary, plan changes to relocate utilities, driveways, roadways, buildings and other site improvements.

Replacement of Trees

Number of Trees to Be Removed	Percentage of Trees Removed to be Replaced with Replacement Trees
100 or more	70%
75 to 99	50%
Less than 75	30%

Replacement of Specimen Trees

Existing Specimen Tree To Be Removed	Number of Replacement Trees
24 inches to 30 inches	5
31 inches to 36 inches	6
37 inches to 40 inches	9
41 inches or greater	10

(11)

Replacement trees.

(a)

In the event that the development of a property requires the removal of trees or specimen trees, the Board shall have the authority to require the replacement of trees in accordance with the following schedule:

(b)

All replacement trees shall be of nursery-grade quality, balled and burlapped and not less than 2 1/2 inches to three inches DPM. Replacement trees shall be consistent with the type and species removed from the site and shall be planted in accordance with accepted nursery practice.

(12)

Prior to any site clearance, grading or disturbance for premises subject to the provisions of this section, the applicant shall delineate with snow fence, installed beyond the dripline of trees which are to be protected, all areas which are to remain undisturbed and shall individually flag or make and protect with snow fencing to the satisfaction of the Township Engineer all trees or specimen trees which are to remain within the area of disturbance as approved by the Board. The clear-cutting of trees is disfavored by this article and shall only be permitted if there is no practical alternative and only if such cutting is specifically approved by the Board.

(13)

The applicant shall provide evidence to the Board that the method of disposal of removed trees, stumps, toppings and slash is consistent with all applicable laws and Township ordinances.

(14)

The applicant shall demonstrate compliance in all tree removal activities with the other applicable provisions of this chapter.

(15)

During major or minor subdivision review, the Planning Board shall be authorized to require a tree removal plan for each individual lot which will result from the proposed subdivision. Any tree removal restrictions shall remain in effect until the parcel shall become a homestead lot.

F.

Review time. The administrative officer shall review and approve, conditionally approve or reject the permit application within 30 days of the date a complete application is submitted and all necessary Board approvals have been granted.

G.

Inspection and enforcement. The administrative officer shall be authorized to inspect and enforce the installation of replacement trees pursuant to Subsection **E(11)** above.

H.

If the required replacement trees cannot be planted on the applicants site an escrow contribution shall be submitted to the townships tree replacement trust. The amount of contribution shall equal the number of replacement trees (that cannot be planted on the applicant's site) and the cost of each replacement tree shall be based upon the current rate the Department of Public Works is paying for equivalent replacement trees. The funds shall be used for trees to be planted in the township.

I.

Each tree unlawfully removed shall constitute a separate and part violation of this Ordinance and each tree removed shall be subject to separate penalty under the General Penalty Section 1-3 of the Code.

Section 2. Each clause, section or subsection of the ordinance shall be deemed a separate provision to the intent that if any such clause, section or subsection should be declared invalid, the remainder of the ordinance shall not be affected.

Section 3. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed as to the extent of such inconsistency.

Section 4. This ordinance shall take effect immediately upon adoption and publication according to law; and as otherwise provided by for by law.

The foregoing is a true copy of a bond ordinance introduced and adopted on first reading by the governing body of the Township of Morris on January 22, 2025

TOWNSHIP OF MORRIS



Donna J. Guariglia, Mayor

ATTEST:



Suzanne Walsh, Township Clerk

INTRODUCTION: January 22, 2025
ADOPTION: March 19, 2025