



BOROUGH OF FLORHAM PARK
COUNTY OF MORRIS, STATE OF NEW JERSEY

ORDINANCE # 20-7

AN ORDINANCE OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH
OF FLORHAM PARK IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY,
AMENDING CHAPTER 229, “TREES” OF THE CODE OF THE BOROUGH OF
FLORHAM PARK

WHEREAS, the Mayor and Council have determined to revise and clarify certain sections of the Borough Code with respect to tree removal, and to allow enforcement of that Chapter of the Code through all available legal remedies; and

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Florham Park, County of Morris, State of New Jersey, as follows:

SECTION 1. Section 229-1 entitled “Purpose” is hereby amended and supplemented by the addition of a new subsection “E” that shall read in its entirety as follows:

The Borough of Florham Park will also ensure the enforcement of N.J.S.A 45:15C-11 et seq., which implemented the Licensed Tree Expert and Licensed Tree Care Operator Act. This act requires tree removal companies to register with the NJ Board of Tree Experts. To be registered tree removal companies must meet minimum education requirements and have sufficient liability and worker’s compensation insurance. The enforcement of this act will reduce the hazard associated with tree removal throughout the Borough of Florham Park.

SECTION 2. Subsection A entitled “Application Form, “ of Section 229-6 entitled “Tree Removal Requirements for Major and Minor Subdivisions and Site Plans” is hereby amended and supplemented by the addition of a new subsection “7” that shall read in its entirety as follows:

The Tree Removal Service Company doing the work shall be included on the permit application. Pursuant to N.J.S.A 45:15C-11 et seq. applicants shall submit proof contractor’s registration with the NJ Board of Tree Experts.

SECTION 3. Section 229-7 entitled “Tree Replacement and Reforestation” is hereby amended and replaced in its entirety by a new subsection “F” that shall read in its entirety as follows:

The type of replacement tree(s) shall be the same as the species removed from the site or other trees indigenous to the area as approved by the Engineering Department in accordance with standards developed by the Engineering Department. At a minimum, 1/3 of the replacement trees shall be deciduous.

SECTION 4. Subsection C entitled “Application Form, of Section 229-8 entitled “Tree Removal and Protection on Residential, Commercial, Industrial and Business Zoned Lots (Excluding Major and Minor Subdivisions and Site Plans)” is hereby amended and supplemented by the addition of a new subsection “6” that shall read in its entirety as follows:

The Tree Removal Service Company doing the work shall be included on the permit application. Pursuant to N.J.S.A 45:15C-11 et seq. applicants shall submit proof contractor’s registration with the NJ Board of Tree Experts

SECTION 5. Subsection D(2) entitled “Design Requirements” of Section 229-8 entitled “Tree Removal and Protection on Residential, Commercial, Industrial and Business Zoned Lots (Excluding Major and Minor Subdivisions and Site Plans)” is hereby amended and replaced in its entirety to read as follows:

Design Requirements for Redeveloped Lots or Building Tear-down Lots- A survey plan of all existing lot features by a Professional Surveyor shall be presented indicating the location and DBH of all trees greater than 6” DBH on the entire lot. An additional engineered plan by a Professional Engineer shall be submitted indicating the existing tree canopy area on the lot, all proposed improvements to the lot, all proposed trees to be removed, and the proposed tree canopy on the lot after the proposed tree removal.

SECTION 6. Subsection D of Section 229-9 entitled “Review Standards” is hereby redesignated as Subsection “E” and a new Subsection “D” is inserted into Section 229-9 entitled “Review Standards” which shall read in its entirety as follows:

No more than sixty (60) percent of the existing tree canopy within the property boundaries shall be removed. The location of the remaining forty (40) percent of the tree canopy to be preserved shall be noted on the permit for preservation. If the 60% tree canopy removal area is exceeded due to the required removal of dead or hazardous trees; or live trees meeting the criteria in Section 229-8F, then a replacement tree value will be assigned based upon the DBH of said removed live, dead, or hazardous trees in accordance with the Tree Replacement Schedule in Section 229-7C.

SECTION 7. Section 229-16 entitled “Violations and Penalties” is hereby amended and replaced in its entirety by a new Section 229-16 entitled “Enforcement” that shall read in its entirety as follows:

The Borough Engineer, Construction Official or any other authorized Borough official, may, in the event of a violation hereunder or a failure to comply with the requirements of any permit, revoke any Tree Removal Permit or permits granted hereunder, any Building Permit or permits, any Certificate or Certificates of occupancy, as the case may be, or issue such Stop Work Order or orders, as the case may be, or seek to enjoin any such failure or violation through a court of competent jurisdiction or take such other steps as may be authorized and permitted by law to correct such violation or enforce implementation of the terms and conditions of this chapter. In addition to the foregoing civil remedies, any violation of this Chapter may be the subject of the penalties and procedures set forth in in Section 1-16 entitled “General Penalty” of the Code of Borough of Florham Park. In addition to the penalties set forth therein, each tree that is improperly or illegally removed in violation of this Chapter shall constitute a separate and distinct violation, and the penalty for such removal shall be \$3,000.00 per tree.

SECTION 8. All ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistencies.

SECTION 9. If any article, section, subsection, paragraph, phrase or sentence of this ordinance is for any reason declared to be invalid, such declaration shall not affect the remainder of the ordinance.

SECTION 10. - This ordinance shall take effect upon final publication as provided for by law.

I HEREBY CERTIFY this to be a true and correct Ordinance of the Mayor and Borough Council of the Borough of Florham Park introduced on April 30, 2020 and will be further considered for adoption after Public Hearing held on May 28, 2020 in the Municipal Building located at 111 Ridgedale Avenue.

INTRODUCED: April 30, 2020

ADOPTED: May 28, 2020

Mark Taylor, Mayor

ATTEST:

Sheila Williams, Borough Clerk