

TOWNSHIP OF MANALAPAN

ORDINANCE 2025-04

AN ORDINANCE OF THE TOWNSHIP OF MANALAPAN AMENDING AND SUPPLEMENTING CHAPTER 222, "TREES AND SHRUBS", OF THE CODE OF THE TOWNSHIP OF MANALAPAN

BE IT ORDAINED, by the Township Committee of the Township of Manalapan, in the County of Monmouth, and State of New Jersey as follows:

**Section One.** Chapter 222, "Trees and Shrubs", of the Code of the Township of Manalapan, be and the same is hereby deleted and the following substituted therefor:

**"Article I  
General Regulations**

**§ 222-1. Permit required for certain activities.**

No person shall do or cause to be done any of the following acts affecting the trees, shrubbery or ornamental material planted or growing naturally within the highways or public places under the jurisdiction of the Township, except with a written permit first obtained from the Township Committee:

- A. Cut, trim, break, disturb the roots of or spray with chemicals any living tree or shrub or injure, misuse or remove any structure or device placed to support or protect any tree or shrub.
- B. Plant or remove any living tree or shrub or climb with spikes any living tree or shrub.
- C. Fasten any rope, wire, electric attachments, sign or other device to a tree or shrub or to any guard about such tree or shrub.
- D. Close or obstruct any open space provided about the base of a tree or shrub to permit the access of air, water or fertilizer to the roots of such tree or shrub.
- E. Pile any building material or make any mortar or cement within six feet of a tree or shrub.
- F. Change the grade of the soil within the limits of the lateral spread of the branches of any such tree.

**§ 222-2. Electric wires.**

Every person having control over any wire for the transmission of an electric current along a public highway shall at all times guard all trees through which or near which such wire passes against any injury from the wire or cable or from the electric current

carried by it. The device or means used shall in every case be subject to approval by the Township Committee.

**§ 222-3. Guy wires or braces.**

No person shall place any guy wire, brace or other device on any such tree in such a manner as to injure it.

**§ 222-4. Injury by animals.**

No person shall hitch or fasten an animal to any tree or shrub upon a public highway or to any guard or support provided for the same or permit an animal to bite or otherwise injure any tree or shrub.

**§ 222-5. Chemical damage.**

No person shall permit any brine, gas or injurious chemical or liquid to come in contact with the stump or roots of any tree or shrub upon a public highway.

**§ 222-6. Interference with work done by Township.**

No person shall prevent, delay or interfere with any lawful work undertaken by the Department of Public Works or its authorized agents.

**§ 222-7. Removal of trees and shrubs.**

- A. Removal required; notice. In case any tree or shrub, or any part thereof, along the public highway, sidewalks, or within a private property shall become dangerous to the public safety, the owner of the property in front of which or upon which such tree or shrub is located shall remove the same, or the required part thereof, forthwith upon service of written directive to that effect from the Township or the County of Monmouth, in the case of a county right-of-way or highway. The notice shall be sufficient if served in the same manner as a summons may be served in accordance with the New Jersey Rules of Court.
- B. The initial notice shall be sent to the property owner by regular mail. If the owner does not comply within 10 days, a second notice shall be sent by both certified mail and regular mail or delivered by personal service upon the property owner.
- C. Standards established. The owner or tenant of any lands lying within the Township shall keep all brush, hedges and other plant life, growing within 10 feet of any roadway and within 25 feet of the intersection of two roadways, cut to a height of not more than 2 1/2 feet. This shall not require the cutting down of any trees where there is vision through the trees at a height of between 2 1/2 feet and eight feet from the ground. Any tree or portion thereof which due to damage or disease is in danger of falling shall be removed.
- D. Removal by Township or County. If the owner fails to remove the tree or shrub or portion thereof within two weeks after service of written notice to do so, the work shall be performed by the Township or County

- E. Costs charged against land; lien established. Upon receipt of the certified costs, the Township Committee shall examine same and, if found correct, shall cause the costs to be charged against the lands or, if the Township Committee deems the costs to be excessive, shall cause the reasonable cost thereof to be charged against the lands. The amount so charged shall forthwith become a lien upon the lands and shall be added to and become and form part of the taxes next to be assessed and levied upon the lands, the same to bear interest at the same rate as other taxes and shall be collected and enforced by the same officer and in the same manner as taxes.

**§222-8. Violations and Penalties.**

- A. Any person, firm, corporation or entity found to be in violation of any provision of this Article shall be subject to a fine not exceeding sum of \$1,250 or imprisonment for 90 days, or both, at the discretion of the Municipal Court.
- B. Continuing violations. If any person continues to violate any of the provisions of this article, after being duly notified of such violation, or neglects or refuses to comply with any lawful order of the Township Committee, the failure to comply with a second or each of any subsequent notifications or orders shall be construed as an additional violation of this article, and each such additional offense shall subject the offending party upon conviction to the same penalty as provided for the first offense.

**Article II.**

**Shade Trees**

**§ 222-9. Title.**

This article shall be known and may be cited as the "Shade Tree Ordinance of the Township of Manalapan."

**§ 222-10. Purpose and intent.**

The purpose and intent of this article is to control and regulate indiscriminate and excessive removal, cutting and destruction of trees and to control, regulate and prevent conditions which cause increased surface drainage, sedimentation and soil erosion, cause decreased soil fertility and impair the stability and value of real estate, all of which conditions are and will in the future be a deterrent to public safety, health and welfare. Further, it is the intent of this article, through the preservation and protection of trees to:

- A. Aid in the stabilization of the soil by the prevention of erosion and sedimentation;
- B. Reduce stormwater runoff and the cost associated therewith and replenish the groundwater supply;
- C. Aid in the removal of carbon dioxide and the generation of oxygen in the atmosphere;

- D. Provide a buffer and screen against noise pollution;
- E. Provide protection against severe weather;
- F. Aid in the control of drainage and restoration of denuded soil subsequent to construction or grading;
- G. Provide a haven for birds, which assists in the control of insects;
- H. Provide a haven for wildlife;
- I. Protect and increase property values;
- J. Conserve and enhance the Township's physical and aesthetic environment; and
- K. Generally protect and enhance the quality of life in the general welfare of the Township and its residents.

**§ 222-11. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

**AGRICULTURAL USE**

A land use to derive income from growing plants or trees on land, including but not limited to land used principally for timber production. "Agricultural use" shall not include land used principally for another use and incidentally for growing plants or trees for income.

**CLEARING PLAN**

A plan prepared under the supervision of an engineer, land planner and/or professional forester setting forth the methodology, stages, techniques and areas where trees and vegetation are to be removed for the construction of buildings or other structures, including but not limited to roadways, paving, drainage system, utility excavations, grubbing and any other necessary clearing operations. Said plan shall indicate trees to be saved within a tree preservation or non-disturbance area, said trees being all those outside the areas from which trees are to be removed. The tree preservation area shall include a radius of six feet to 10 feet around each tree to be saved as determined by the Township Forester, which shall be marked off to prohibit any damage to tree branches, bark or root system by soil compaction caused by heavy equipment. Said plan shall include the utilization of snow fencing

**COMMERCIAL NURSERY, ORCHARD, OR TREE FARM**

A plant or tree nursery or farm having trees which are planted and growing for sale or intended sale (or products for sale) to the general public in the ordinary course of business. (Wholesale yards that stock B & B trees are excluded.)

**CUTTING AREA**

The area in which trees have been designated for cutting, obtained by traversing the

outer boundaries of those trees and taking into consideration the delineation of natural boundaries located within the applicant's property.

#### DIAMETER BREAST HEIGHT (DBH)

The diameter in inches of a tree measured at 4 1/2 feet above the existing grade.

#### DRIPLINE

An imaginary, perpendicular line that extends downward from the outermost tips of the tree branches to the ground.

#### FOREST MANAGEMENT PLAN

A plan approved by the NJDEP and prepared under the supervision of a consulting forester, as defined by the NJDEP, which details the management practices proposed to be employed on a forested site, including but not limited to harvesting or land clearing practices and reforestation. When tree removal is required as per the approved plan, a tree removal permit shall be obtained as indicated in Section 222-14 along with a copy of the implementation section of said plan.

#### HISTORIC TREE

A tree which has been found by a professional forester, horticulturist or other professional plantsman to be of notable historic interest to the Township because of its age, type, size or historic association and has been so designated and the designation has been officially made and promulgated as part of the official records of the Township, county or state.

#### LAND CLEARING STAGE

Those operations where trees and vegetation are removed and which occur prior to the construction of buildings; e.g., road right-of-way excavation and paving, lake and drainage system excavation, utility excavation, grubbing and any other necessary clearing operations. This stage occurs after tree protection fencing has been installed and a tree clearing permit has been issued.

#### LOT

Any parcel of land located within the boundaries of Manalapan Township, either improved or unimproved, which shall be designated as a lot on the official Tax Map of the Township of Manalapan and any amendments thereto. All contiguous properties in the same ownership shall be considered as one lot for purposes of this article.

#### NURSERY, ORCHARD or TREE FARM

Such lands within the Township which are used for horticultural purposes under a controlled agricultural plan whereby trees are grown from seedlings or planted saplings with their roots maintained in their natural state (root systems not balled or otherwise packaged for sale).

## OWNER

A person or entity who or which, alone or jointly with others, has legal or equitable title to premises, with or without accompanying actual possession, including an executor, administrator, trustee or guardian of an estate, mortgagee in possession, or a person under contract.

## PERSON

Any individual, partnership, corporation, association or other legal entity, including the plural as well as the singular, and including all tree removal companies and persons removing trees on behalf of others.

## PROTECTIVE BARRIER

A physical structure limiting access to a protected area, composed of wood slat fencing or four (4) foot high orange plastic snow fencing, or other suitable materials approved by Township Forester, which assures compliance with the intent of this article.. A protective barrier shall not be affixed to any trees to remain.

## REMOVE or REMOVAL

The actual removal of a tree by digging up, cutting down, topping or the effective removal through damage.

## SITE PLAN

A plan or drawing of a location or site prepared in order to illustrate information required by the terms of this article. The requirements of any other chapter of the Township shall not be applicable to a site plan prepared under the provisions of this article.

## SPECIMEN TREE

Any tree with a diameter breast height of 36 inches or greater, any tree which has been determined by a judgment of a professional forester, horticulturist or other professional plantsman to be of high value because of type, size, age or other applicable criteria, any tree which has been recorded in the records of the Township, County or State, or any tree determined by the Township Forester/ to be of high value upon examination of the site in connection with the submission of an application for development to the Planning Board or Board of Adjustment of the Township of Manalapan.

[Amended 4-13-2005 by Ord. No. 2005-09]

## TOWNSHIP FORESTER

A person professionally qualified as an approved forester, or a NJ Licensed Tree Expert by the State of New Jersey Department of Environmental Protection and appointed by the Township Committee to supervise the conservation of trees and soil within the Township, and to administer the provisions of this article, which position is hereby created. The Township Forester shall be appointed annually, and his/her term shall expire December 31 of each year if his/her successor has been

appointed. In the event that his/her successor has not been appointed by December 31, he/she shall serve until the appointment and qualification of the successor.

#### TRANSPLANT

The digging up of a tree by a property owner from one place on his/her property and the planting of the same tree in another place on the same property.

#### TREE

Any self-supporting, perennial, woody plant having a DBH of 4 inches or greater.

#### TREE REMOVAL PERMIT

A permit issued by the Township Forester (or other designated official appointed in the same manner) of the Township of Manalapan authorizing the removal or destruction of trees under the provisions herein.

#### TREE SURVEY

An aerial photograph or drawing to a scale not less than one inch equals 200 feet which provides the following information:

- A. All trees, as defined herein, proposed to be removed.
- B. In continuous wooded areas 2 acres or greater that are proposed for clearing, when locating each individual tree is not practical, survey plots may be permitted at the discretion of the Township Forester. Survey plots shall provide a 5% sample size to extrapolate tree sizes and quantities for the proposed clearing area. Plots shall be marked in the field and on the drawing.
- C. Shall include species and caliper sizes in categories as it relates to the Tree Replacement Chart below.
- D. At the discretion of the Township Forester, a 20% deduction may be allowed to account for assumed dead and dying trees as is typical of a woodlot.

#### **§ 222-12. Exceptions.**

- A. Excepted from the provisions of this article shall be:
  - (1) Any trees growing upon any lot or tract of land dedicated by its owner to the growing and harvesting or land clearing of forest crops and certified by the American Tree Farm System through the New Jersey Tree Farm Committee, which certification shall be filed with the Township Tax Assessor, State Bureau of Forestry and approved by the Township Forester.
  - (2) Any tree growing in a public right-of-way or utility easement and removed under authority of public agency. In these cases, a written notice shall be provided to the Township Forester at least five (5) days in advance of tree clearing work.

(3) Any tree which is part of a cemetery.

**§ 222-13. Prohibited acts.**

A. It shall be unlawful for any person to commit any of the following acts to shade or ornamental trees and shrubbery on streets, highways, parkways, easements and parks and other lands owned by the Township:

- (1) To plant, remove, cut, break or injure any such tree, shrub or part thereof, unless approved, in writing, by the Township Forester.
- (2) To place any rope, wire, sign, poster or other fixture on a tree or tree guard unless approved by the Township Forester. A copy of such approval shall be forwarded to the Township Administrator.
- (3) To excavate within 12 feet of any tree or shrub, or to place any insert or potentially harmful material or temporary soil deposit within 25 feet of any tree unless approved, in writing, by the Township Forester.

B. Written approval by the Township Forester under Subsection A(1) through A(3) preceding shall be given only in response to a request, in writing, showing good cause and shall be given on clearly stated terms and conditions satisfying the purposes of this article.

C. It shall be unlawful, with respect to shade or ornamental trees and shrubbery on streets, highways, parkways, easements, parks and other lands owned by the Township for any person:

- (1) To damage, misuse or remove any device placed to protect any such tree or shrubbery.
- (2) To permit any animal to injure or destroy any such tree or shrubbery.
- (3) To pour any salt water or other chemical near or upon any tree or to permit any fire, road roller, bulldozer or other equipment to stand or operate in such a manner as to injure a tree.

D. Cut, trim, break, or disturb the roots of any living tree, or climb any living tree designated for preservation with spikes,. This shall include topping or removing more than 1/3 of the canopy.

E. No clearing shall take place within 25 feet of any permanent or intermittent stream, unless written approval has been obtained from the Township Engineer and/or Township Forester.

**§ 222-14. Permit requirements.**

A. Application procedures.



- (1) Any person seeking to destroy, cut or remove any tree in excess of four (4) inches DBH shall apply to the Township Forester of the Township of Manalapan for a tree removal permit to remove such trees, unless exempted in accordance with § 222-12. The applicant shall identify the lot or lots upon which the trees are located and shall disclose the name and address of the owner, tenant or authorized agent of said owner or tenant and shall identify the location, species, and size of said trees to be cut, removed or destroyed on a site plan or survey.
- B. Payment of any required fees shall be posted after review and approval of permit application by Township Forester, but prior to permit release and any tree destruction, cutting or removal
- C. All applicants must file their application with the Shade Tree Office. Copies of the application and supporting documents are to be forwarded by the Shade Tree Office to the Township Forester,. The application shall identify lot or lots upon which trees are located and shall disclose name and address of owner, tenant, or agent and shall identify location, species, and size of said trees to be cut, removed or destroyed. Prior to the submission of the permit application, each applicant shall physically mark with paint or ribbon all trees on the site proposed to be removed.
- D. In cases where site plan or subdivision approval is required, no permit shall be issued until site plan or subdivision approval has been obtained and perfected, unless otherwise approved in writing by Township Forester and/or Township Engineer.
- E. Upon the decision of the Township Forester, the Township Forester shall notify the applicant in writing of his/her decision. If the determination of the Township Forester is to deny the application of the applicant, the Township Forester shall include in the written notification reasons for the denial.
- F. In addition to the information required in connection with applications set forth above, an aerial photograph of suitable quality (minimum one equals 660 feet, available through the Monmouth County Planning Board at a nominal charge) to facilitate site plan review or a tree survey as defined herein shall be required for tracts of land of 50 acres or more for which tree removal authorization is being requested.
- G. Alternate site plan information. In the event that there are no trees greater than four inches DBH located on the site which are required to be protected under the provisions of this article, the applicant shall so state in his application for a no tree verification. If such statement is substantiated by an inspection of the site by the Township Forester, the applicant shall be relieved of the necessity of supplying unnecessary or unimportant information
- H. Time of permit. Any and all permits issued by the Township as required by this article shall be declared null and void if commencement of work so permitted is not

started within a reasonable time, not to exceed six months. In no case will the permit be valid for more than 12 months. Permits not used within this period will become null and void, and future work will require a new application. For purpose of this section, a permit shall no longer be valid when the work authorized by the permit is completed.

- I. Field check requirement. In all cases, the tree removal permit application shall be field checked with an on-site inspection by the Township Forester prior to issuance of a permit.
- J. General tree removal permit conditions:
  - (1) Criteria for removal.
    - (a) The tree is located in an area where a structure or improvements will be placed according to an approved plan, it unreasonably restricts the economic enjoyment of the property and the tree cannot be relocated on the site because of age, type or size of the tree.
    - (b) The tree is dead, diseased, injured, in danger of falling, is too close to existing or proposed structures, interferes with existing utility service, creates unsafe vision clearing or conflicts with other ordinances or regulations.
    - (c) The tree is to be removed for harvesting as a product useful to man, or for the purpose of making land available for farming or other useful or productive activity, is to be removed in furtherance of a forest management plan or soil conservation plan or to serve some other useful or beneficial purpose.
    - (d) Trees in private rights-of-way and driveways of the planned paved area. Alignment of the driveway and utility installation should be planned to save as many trees as possible.
    - (e) Trees in the location of a sewage system and disposal field.
    - (f) Where more than six inches of fill is required around trees, the trees must be protected by an air well as specified by the forester.
    - (g) All development shall consider the use of treeless areas, if possible, for building sites. If it is necessary to develop wooded areas, the Township Forester will specify requirements for planting in the treeless areas.
    - (h) Trees in the area between the street line and the setback line of the buildings shall be preserved to the greatest extent possible.
    - (i) Tree removal from any slope or environmentally sensitive area is prohibited if it will contribute, in the opinion of the Planning Board, the Forester, Building Inspector or the Township Engineer, to extra runoff of surface water onto adjoining property and

erosion, and silting, unless other means approved by the Monmouth County Soil Conservation District are provided to prevent runoff and erosion.

- (j) No tree removal is permitted that will expose vacant land, backs of existing billboards, utility substations, transmission towers, warehouses, junkyards, landfill operations and other similar structures or operations, except where trees are dead or diseased and/or endanger life or property.
  - (k) No healthy tree that is special by virtue of history, unusual size or age or of a rare species shall be removed except as may be required for the protection of health, safety or public welfare.
  - (l) Unless proven necessary, staging areas shall not be closer than 150 feet to any public road center.
  - (2) Professional evaluation. The Township Forester may consider significant adverse impact in the following areas on the natural environment in granting a permit and may deny the permit if one or more of the following conditions exist:
    - (a) Adverse alteration of ground and surface water characteristics;
    - (b) Substantial negative alteration of water quality or aquifer recharge;
    - (c) Substantial adverse ecological impact;
    - (d) Significant increase in noise pollution;
    - (e) Significant increase in air and dust movement;
    - (f) Substantial adverse impact on air quality;
    - (g) Significant reduction in available wildlife habitat; or
    - (h) Adverse effect on the property values caused by aesthetic degradation.
  - (3) Basis for denial. The Township Forester, where appropriate, upon a determination that an application is to be denied shall state the basis for such denial specifically and shall notify the applicant of the criteria upon which said denial is predicated.
  - (4) Any violators of Subsection J(1), Criteria for removal, of this section will be subject to restitution requiring replacement of tree(s) equal to caliper of those illegally removed as determined by the Forester.
- K. Data required for tree clearing plan. Every site plan or subdivision plan submitted to the Planning Board or Board of Adjustment for approval shall indicate the following:
- (1) Tax Map; lot and block number.

- (2) Area of tract.
- (3) Location of trees or wooded area.
- (4) Number of trees or percent of stocking (trees per acre). This can be calculated based on a tree survey using survey plots as defined in Section 222-11
- (5) Species involved.
- (6) General slope and topography, taken from a recognized map of such features.
- (7) Location of streams and wetlands.
- (8) Map of locations and surrounding properties showing wooded areas.
- (9) A list of trees to be planted, preferably selected from current acceptable plant varieties.
- (10) Tree removal plan and tree planting plan in relation to principal and accessory buildings, septic systems, roads and driveways, parking lots, garden areas, etc., showing also the relation to survey stakes.
- (11) Location of buildings.
- (12) Location of roads, driveways, parking lots, staging areas, recreation areas and garden areas.
- (13) Grading plans.
- (14) Calculations and schedule for tree removal and planting.
- (15) Provision for removal of excess stumps and branches from the property.

**§ 222-15. Protection during construction.**

- A. It shall be unlawful for any person in the construction of any structures or other improvements to place solvents, material, construction machinery or temporary soil deposits within 12 feet of or outside the dripline, as defined herein, whichever is greater, of any tree.
- B. Prior to obtaining a tree removal permit and before development, land clearing, filling or any land alterations can commence, the applicant will be required to erect suitable protective barriers, and this protection, where required, shall remain until such time as the protection is authorized to be removed by the Township Forester or after issuance of a final certificate of occupancy. Also, during construction, no attachments or wires shall be attached to any of said trees so protected. Wood, metal or other substantial material shall be utilized in the construction of barriers. Barriers will be required for all trees being protected, except in the following cases:

- (1) Street right-of-way and utility easements may be fenced by placing stakes a minimum of 50 feet apart and tying fence from stake to stake along the outside perimeters of such areas to be cleared. Attachments of any kind to any tree are not permitted.
  - (2) Large property areas separate from the construction or land clearing area into which no equipment will venture may also be fenced off as above.
- C. Any tree or trees that have been directly or indirectly damaged by any activity, the responsible party shall make a reasonable restitution at the discretion of the Township Forester.

**§ 222-16. Trees of special value.**

- A. A tree of special value is any certain tree of a certain species of tree being of special value based on rarity or historical importance.
- B. If any tree designated under this section is located on a site being considered for major subdivision approval, the Planning Board may, as a condition of final approval, require the developer to grant a preservation easement to the Township of Manalapan.
- C. If any tree or shrub designated under this section is located on private property not seeking major subdivision approval, the Township may acquire a preservation easement by gift or purchase.
- D. It shall be a violation of this article, punishable under § 222-20B, for any person, firm or corporation to remove a tree in order to avoid the provisions of the section.

**§ 222-17. Application Fees.**

- A. All Properties in the Township of Manalapan
  - (1) For the removal of five trees or less, when the area of disturbance encompasses no greater than two acres: \$75.
  - (2) For the removal of six trees or more, when the area of disturbance encompasses no greater than two acres or less: \$150.
  - (3) For each acre of disturbance, or portion thereof, over and above two acres: \$75 per acre.
- B. No more than one permit shall be issued in any one-year period on any particular lot.
- C. No tree removal permit shall be released without the payment of the required fee.

**§ 222-18. Appeals.**

The applicant shall have the right to appeal any decision made pursuant to the provisions

herein to the Township Committee within 10 days of receipt of the decision. Any appeal shall be written notice, and the Township Committee shall proceed to hear the appeal upon notice to the applicant, but within 30 days after the filing of the appeal. Upon complete review of the application and after hearing the testimony of relevant municipal officials, the applicant and the applicant's experts, if any, the Township Committee may affirm, reverse or modify the aforesaid decision.

**§ 222-19. Interpretation.**

No ordinance heretofore or hereafter adopted by the Township which may authorize any person, municipal board, body or official to construct, open, pave or repair any sidewalk, curb, street or highway or to do any similar act shall be construed to permit or authorize any interference with or injury to any shade or ornamental tree subject to this article without the written consent of the Township Forester. In case of emergency or need for very prompt action, the Construction Code Official or his designee may grant relief from the prohibition set forth in this article.

**§ 222-20. Enforcement; violations and penalties.**

- A. This article shall be enforced as hereinafter provided by the Code Enforcement Officer or his designee and/or Township Forester, who is hereby empowered to cause any and all lands subject to this article to be inspected and examined to determine compliance with this article and to order, in writing, the correction of any condition found to exist therein or thereat in violation of any provision of this article. The Code Enforcement Officer or his designee and/or Township Forester is hereby further authorized to cause an appropriate action or proceeding to be instituted in a court of proper jurisdiction to prevent and enjoin any threatened, existing or continuing violation of this article or any provision or section thereof or any standard adopted by the Township Forester.
- B. Any person, firm, corporation, or entity found to have violated any provision of this article or any condition imposed in accordance with this article or any specification adopted by the Township or any permit granted pursuant to this article shall be subject to revocation of that permit and any certificate of occupancy or building permit issued in reliance thereon and shall be further subject to the order of the Code Enforcement Officer or his designee and/or Township Forester which may direct such person, firm, corporation or entity to cease such violation and to take appropriate corrective action within such time as may be specified by the Code Enforcement Officer or his designee and/or Township Forester, or a stop-work order will be issued. Any person, firm, corporation or entity found to be in violation of any provision of this article or any condition imposed in accordance with this article or any permit granted pursuant thereto or any specification adopted by the Shade Tree Committee of the Township of Manalapan, be subject to a fine not exceeding the sum of \$1,000 or imprisonment for 90 days, or both, at the discretion of the Judge of the Municipal Court of the Township of Manalapan. The removal of each individual tree in violation of this article shall be considered a separate offense. In addition, the Court may order restitution (fine and/or appraised value, whichever is greater)

and/or replacement of the trees improperly removed. In each violation that does not involve the improper removal of trees, and such violations shall constitute a separate offense.

**§ 222-21. Landscaping requirements; buffer zones.** Landscape buffers shall be provided where and as required by §95-8.5 (Landscaping design requirements) of the Township Development Regulations

**Article III**

**§ 222-22. Definitions.**

All terms defined in Chapter 222 shall be given the same definitions as used in this article.

**§ 222-23. Tree Escrow Fund established.**

A Tree Escrow Fund shall be established by the Township to receive and disburse replacement tree contributions under the supervision of the Township Treasurer. Appropriations from the Tree Escrow Fund shall be authorized by the Township Committee, with the advice of the Township Forester, in a manner consistent with general Township tree planning goals. This fund shall be separate and apart from the Shade Tree Fund. Proceeds from this fund will be used for any expenditures relating to the management of Manalapan’s community forest.

**§ 222-24 Replacement trees.**

A. Any tree removed pursuant to this chapter, unless exempt by § 222-25 herein, shall be replaced based on the following:

<b>Trees to be Removed</b>	<b>Replacement Number of Trees</b>	<b>Replacement Caliper (DBH in inches)</b>	<b>Alternative Dollar Amount Set-off</b>
Greater than 4 and up to 12 (to replace a single tree)	1	2 to 2 1/2	\$350
Greater than 12 and up to 18 (each)	2	2 to 2 1/2	\$700
Greater than 18 and up to 24 (each)	3	2 to 2 1/2	\$1050

<b>Trees to be Removed</b> <b>(DBH in inches)</b>	<b>Replacement Number of Trees</b>	<b>Replacement Caliper</b> <b>(DBH in inches)</b>	<b>Alternative Dollar Amount Set-off</b>
Greater than 24 and up to 36 (each)	4	2 to 2 1/2	\$1450
Greater than 36 (each)	5	2 to 2 1/2	\$1750

- B. The applicant will receive a one-for-one replacement tree credit should stands of 10 or more trees with greater than four-inch diameter breast height (DBH) be preserved within the limit of disturbance line.
- C. All replacement trees shall be planted on site in accordance with the foregoing.

If the site in question cannot, as determined by the Township Forester, physically accommodate the total replacement quantity of trees, the applicant may contribute an amount equal to the calculated monetary value of the unreplaced trees to the Tree Escrow Fund.

**§ 222-25. Criteria for tree removal without replacement trees.**

- A. Any property qualified under farmland assessment for wood lot, and in compliance with a Forest Management Plan approved by the NJDEP and filed with the Township, may remove trees without being subject to the replacement requirements contained herein. Tree removal permit application fees, as established by § 222-17 shall also be waived under these circumstances. However, written notice of tree removal activity shall be provided to the Township Forester at least five days in advance of the work.
- B. Other exemptions.
  - (1) If the application is for a development for which a subdivision application is required under the New Jersey Municipal Land Use Law or for which a building permit to construct a new single or two-family dwelling on an individual lot is required, up to 50% of the trees on an individual lot may be removed for the purpose of clearing for the proposed building, driveway(s) and usable yard space on the building lot(s) only without replacement trees being required, provided that said clearing may not exceed 20,000 square feet of contiguous space, measured in reasonable configuration to the proposed structures and driveway(s). All removed trees beyond this contiguous space are subject to replacement in accordance with this chapter.



(2) Any tree removed from an area of property to be dedicated as public improvement, e.g., drainage facilities and public roadways, shall be exempt from the replacement provisions of this chapter, except that where private roadways, parking areas or open spaces are proposed, all trees are subject to replacement in accordance with this chapter.

C. Other criteria.

(1) The Township Forester shall approve the removal of a tree, except a specimen tree, without requiring replacement trees or payment into the tree escrow fund, if the tree is deemed invasive, dead, diseased, injured (except if by actions of the developer or those working for or in concert with the developer), in danger of falling, interferes with existing utility services, creates an unsafe condition, or its continued presence conflicts with any other ordinances of this Township or state or county regulations or statutes.

### **§ 222-26. Enforcement.**

The requirements of this article shall be enforced by the Township Forester, except as otherwise provided in this article. The failure to replace trees in accordance with this article or otherwise provide replacement value as set forth herein shall be deemed a failure to provide a public improvement for purposes of bond guarantees.”

**Section Two.** Each section, subsection, sentence, clause, and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause, and phrase, and finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause or reason shall not affect any other portion of this Ordinance.

**Section Three.** This Ordinance shall take effect immediately upon its passage and publication according to law.

### NOTICE OF PUBLIC HEARING

The Ordinance published herewith was introduced and approved at a meeting of the Township Committee of the Township of Manalapan held on [January 29, 2025](#) and will be further considered for final passage after a Public Hearing thereon before the Township Committee of the Township of Manalapan during a meeting to be held on

[February 26, 2025](#) at the Municipal Complex, 120 Route 522 and Taylors Mill Road, Manalapan, New Jersey at 7:30 p.m. or as soon thereafter as the matter may be reached, or at any meeting to which that meeting may be adjourned, at which time any and all persons who may be interested therein will be given an opportunity to be heard.

The proposed Ordinance in its entirety is on file in the Municipal Clerk's Office and copies may be obtained without charge between the hours of 8:30 a.m. and 4:30 p.m.

Monday through Friday. A complete copy may also be obtained from the Manalapan Township web-site [www.mtnj.org](http://www.mtnj.org) by clicking on the Ordinance title listed on the Agenda posted for the Township Committee meeting of [February 26, 2025](#).

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SHARI ROSE, RMC  
Municipal Clerk