

ORDINANCE #2025-19

**AN ORDINANCE BY THE
MUNICIPALITY OF PRINCETON
REGARDING TREE REMOVAL
PERMIT REQUIREMENTS AND
AMENDING CHAPTERS 22 AND 10B
OF THE “CODE OF THE TOWNSHIP
OF PRINCETON, NEW JERSEY, 1968.”**

WHEREAS, Princeton’s Shade Tree Commission, in consultation with the Department of Engineering and Infrastructure Operations, recommends that certain updates be made to Chapter 22 of the “Code of the Township of Princeton, New Jersey (1968)” (“Township Code”), entitled “Trees and Shrubs,” to promote the conservation of trees on private property in Princeton; preserve the overall municipal tree canopy and the environmental and other benefits it affords; and incorporate certain recommended provisions of the model tree removal and replacement ordinance issued by the New Jersey Department of Environmental Protection to ensure stormwater management compliance and protection; and

WHEREAS, Princeton’s Departments of Engineering and Infrastructure Operations and Planning also recommend that certain updates be made to Chapter 10B, Section 227A, entitled “Tree preservation, protection, and mitigation,” of the Township Code, to reconcile its provisions pertaining to tree removal and replacement with the relevant provisions of Chapter 22; and

WHEREAS, at this time the Council seeks to amend the above-referenced chapters of the Township Code.

NOW, THEREFORE, BE IT ORDAINED by the Princeton Council as follows:

Section 1. Section 22-2, “Definitions,” of Chapter 22, “Trees and Shrubs,” of the “Code of the Township of Princeton, New Jersey, 1968” (“Township Code”), is hereby amended by updating the definitions for ornamental tree, Princeton Shade Tree Trust Reserve, significant

tree and specimen tree, and adding a new definition for endangered species, as follows (additions are underlined and deletions are [bracketed]):

Sec. 22-2. Definitions.

(i) Endangered species shall mean a native plant species whose survival in New Jersey or nationally has been determined by the New Jersey Department of Environmental Protection to be in jeopardy or by the Federal government as endangered or threatened, and is included on the official Endangered Plant Species List set forth at N.J.A.C. 7:5C-5.1, as may be amended.

[(k)](l) Ornamental tree shall mean a [tree that can be single or multiple stemmed and that grows to a maximum height of twenty-five feet] deciduous tree, single- or multiple-stemmed, possessing qualities such as flowers or fruit and/or attractive foliage, bark, or shape, and growing to a mature height that is typically under forty feet.

[(l)](m) Princeton Shade Tree Trust Reserve shall mean a fund established and maintained by Princeton for purposes of planting and maintaining trees and shrubs in Princeton and for such other purposes as the Council may determine by duly adopted resolution(s) [on public property].

[(p)](q) Significant tree shall mean a tree or grove of trees recognized as significant by the shade tree commission or enforcement officer on the basis of [specimen] species, age, [quality,] historical significance, location, size or other unique characteristics.

[(q)](r) Specimen tree shall mean any tree equal to at least 80% of the [size of those listed on the “Champion Big Tree Register” of the New Jersey Community Forestry Program in the Department of Environmental Protection’s Division of Parks and Forestry, or any tree actually listed on the “Champion Big Tree Register.”] height or DBH of the tree of the same species that is listed as the “Champion Tree” for New Jersey on the “Big Tree List” maintained by the New Jersey Department of Environmental Protection’s Division of Parks and Forestry, or a tree actually listed as a Champion Tree on the “Big Tree List.”

Section 2. Section 22-4, “Powers and duties of the shade tree commission,” of Chapter 22 of the Township Code, is hereby amended by updating subsection (j) thereof as follows (additions are underlined and deletions are [bracketed]):

(j) Responsibility to make, keep, and preserve minutes and records of its meetings and activities, and to assist the enforcement officer in mak[e]ing

annual reports to the mayor and council as provided in section 22-17 below. Copies of all minutes and records of its meetings and activities shall be filed with the clerk;

Section 3. Section 22-11, “Trees requiring permit before removal,” of Chapter 22 of the Township Code, is hereby amended as follows (additions are underlined and deletions are [bracketed]):

Sec. 22-11. Trees requiring permit before removal.

It shall be a violation of this article for any person to remove or otherwise destroy any tree as set forth in this section, or to cause or permit the same to be done by any third party contractor[or], subcontractor or other person, without first obtaining a permit or approval as provided herein below. [Except as otherwise provided in section 22-12 below, t]The following acts are hereby regulated and shall require a tree removal permit:

- (a) Removal of or otherwise destroying a tree with a DBH of six [eight] inches or more;
- (b) Removal of or otherwise destroying an ornamental or evergreen tree with a height of 10 feet or more;
- (c) Removal or otherwise destroying a tree with a canopy extending over a public right-of-way; and
- (d) Removal of or otherwise destroying any specimen, [or] significant or endangered tree, as defined in section 22-2 above.

Section 4. Section 22-12, “Exceptions,” of Chapter 22 of the Township Code is hereby amended as follows (additions are underlined and deletions are [bracketed]):

Sec. 22-12. Exceptions to certain requirements under article.

Prior to the removal or destruction of any tree identified in this section, a permit shall be obtained pursuant to section 22-13, but the fee, tree replacement requirements and notice requirements imposed by section 22-13 shall be waived. Photographs and/or written advice from an arborist or a Licensed Tree Expert shall be submitted as documentary evidence to demonstrate to the enforcement officer that the tree qualifies for the exception before its removal or destruction, unless otherwise permitted in this section. [Excepted from the requirements of this article are the following]:

- (a) Any tree that poses imminent danger to life or property or where removal is in response to an emergency. To qualify under this exception, the tree shall only be removed to the extent necessary to abate the imminent danger or emergency. If notification of the removal of said tree pursuant to this article has not been given to the enforcement officer prior to removal, then notification must be provided by the next business day or as soon as practicable thereafter. Said notification shall include verification that the tree removal was necessary to abate the imminent danger or emergency[;].
- (b) Any tree that has fallen solely as a result of storm damage or other natural causes[;].
- (c) Any dead tree or substantially diseased tree as a result of natural causes or storm damage where:
 - (1) The tree is still standing;
 - (2) The person desiring to destroy or remove the tree is the owner of the land upon which the tree is located;
 - (3) The person notifies the enforcement officer of the desire to remove the tree; and
 - (4) The enforcement officer verifies in writing that the tree is dead or substantially diseased as a result of natural causes. The failure of the enforcement officer to approve or deny the request within 15 days shall constitute an approval of the request[;].
- [(d) Tree removal that is a part of any land development application subject to the jurisdiction of the planning or zoning boards, or any of their subcommittees. The shade tree commission may, however, provide its review and comment, if any, regarding the tree removal to the board of jurisdiction;
- (e) Tree removal as part of an application requiring preservation plan approval by the historic preservation commission or the commission's administrative officer for properties that are subject to the commission's jurisdiction within the historic preservation zoning districts or historic preservation buffer zoning districts; and]
- (d)[(f)] The removal of any trees [that are a part of] under an approved woodland management [program] plan or forest stewardship plan pursuant to the provisions of the New Jersey Farmland Assessment Act of 1964[.]

~~(e)~~~~[(g)]~~The removal of any Ash (*Fraxinus spp.*) tree due to actual or anticipated infestation by the Emerald Ash Borer (*Agrilus planipennis*)~~], provided that the person desiring to remove the tree or trees complies with the following:~~

- (1) The person shall file a permit application in accordance with section 22-13 below. The permit application shall specify the number of Ash trees to be removed and treated on the premises, and include all information and support required by section 22-13, except that the filing fee required by section 22-13(g) shall be waived; and~~].~~
- ~~[(2)]~~ Although ~~[T]~~there is no requirement for a permit application to include a tree replacement plan under section 22-13~~[(d)]~~e, ~~[except that]~~ there is a recommended tree replacement goal of 10% of removed Ash trees, with a recommended goal of a minimum of one tree replanted per application. The replanted tree(s) (if any) shall, if site conditions permit, be planted in the same or contiguous location(s) on the premises.

The exception created by this subsection ~~(e)~~~~[(g)]~~ shall continue for 10 years ~~[from the date on which it goes into effect. Upon expiration of this ten-year term,]until October 24, 2026; thereafter~~ this section ~~(e)~~~~[(g)]~~ shall automatically be null and void and of no force and effect.

Section 5. Section 22-13, “Application for tree removal permit,” of Chapter 22 of the Township Code is hereby amended as follows (additions are underlined and deletions are ~~[bracketed]~~):

Sec. 22-13. Application for tree removal permit.

- (a) General Application Requirements. A person desiring to remove or otherwise destroy a tree or trees as provided for in section 22-11 above shall first apply to the enforcement officer for a permit, on forms provided by the municipality and containing the information required in subsections (b), (c) and (d) of this section. The requirements of this section shall be in addition to any other requirements applicable to the removal of trees, including but not limited to those under chapter 10B of this Code.
- (b) Narrative. The application required by subsection (a) above shall include a narrative specifying:
 - (1) The location of the premises where the tree removal or destruction is to take place, by both street address and lot and block number;
 - (2) The name and address of the owner of the premises;

- (3) The name and address of the applicant for the permit, if other than the owner, accompanied by the owner's consent to said application;
 - (4) A list providing the species, DBH and number of trees to be destroyed or removed;
 - (5) The reason or purpose for the destruction or removal of trees; and
 - (6) A description of the applicant's tree replacement plan, in accordance with subsection (d) below.
- (c) Sketch/Printed Plan. The application required by subsection (a) above shall be accompanied by a sketch and/or printed plan showing the following:
- (1) The size of the lot;
 - (2) All structures and their appurtenances, including but not limited to any building, garage, shed, deck, pool, driveway, walkway, patio or other impervious surface;
 - (3) The location upon the lot where the destruction or removal of the tree or trees is proposed to take place;
 - (4) The identity and location of trees to be destroyed or removed;
 - (5) The location of all streams and wetlands on the lot; and
 - (6) The proposed location(s) for planting of replacement tree(s), as well as their species and DBH.
- (d) Tree Replacement Plan. The application required by subsection (a) above shall be accompanied by a narrative and/or sketch or printed plan showing a tree replacement plan, to include and comply with the following:
- (1) The tree replacement plan shall provide for replacing the removed or destroyed tree(s) in the same or contiguous location(s) on the premises, and in accordance with the following specific requirements. The tree replacement plan shall require that the applicant replace each removed or destroyed tree with one or more trees depending upon the DBH of the removed or destroyed tree, and in accordance with [Schedule A immediately below,] the "Tree Replacement Schedule[.]" immediately below.

[SCHEDULE A –] TREE REPLACEMENT SCHEDULE

Tree Removed (DBH) [Destroyed]	Required Tree Replacement [Tree]	Tree Replacement Fee
Tree with DBH of <u>6” to 12.99”</u> [8” to 16.99”]	One (1) Replacement Tree	\$ 550.00
Tree with DBH of <u>13” to 22.99”</u> [17” to 30.99”]	Two (2) Replacement Trees	\$ 1,100.00
Tree with DBH <u>23” to 32.99”</u> [31” to 38.99”]	Three (3) Replacement Trees]	\$ 1,650.00
Tree with DBH of <u>33”</u> [39”] or greater	Four (4) Replacement Trees	\$ 2,200.00

- (2) Based on industry standards and site conditions on the premises, and in consultation with the enforcement officer, the applicant may, in lieu of on-premises planting of the required replacement tree(s), be permitted to plant the replacement tree(s) on one or more appropriate off-premises locations, or pay a tree replacement fee into the Princeton Shade Tree Trust Reserve for each tree removed based on the foregoing Tree Replacement Schedule. The tree replacement fee shall represent the cost to replace the removed or destroyed tree(s), including administration and labor costs, and shall be maintained in the Princeton Shade Tree Trust Reserve and utilized by Princeton for the purposes of planting and maintaining trees and shrubs in Princeton [on public property] and for other such purposes as the Council may determine by duly adopted resolution(s). At least fifty percent of the required replacement trees shall be planted either on the premises or in an appropriate off-premises location(s). As used hereafter, the phrase “tree replacement plan” shall be deemed to include reference to the payment of a tree replacement fee.
- (3) The tree replacement plan shall identify the applicant’s proposal for compliance with this subsection (d), including specifying the species, size and quantity of replacement trees, the proposed location(s) for planting of replacement trees on and off the premises and the applicant’s acknowledgment of the required tree replacement fees. In order to maintain the existing canopy, preference shall be for the replacement of deciduous trees with deciduous trees and evergreen trees with evergreen trees.
- (4) The applicant shall ensure replacement trees are consistent with the Princeton Recommended Species list available on Princeton’s municipal website. No species listed on the New Jersey Invasive Species Strike Team’s Do Not Plant List shall be used as a replacement tree.

- (e) Marking. The applicant shall conspicuously mark each tree to be removed or destroyed with a material which can be wrapped around the trunk of each tree, such as ribbon or string.
- (f) Notice. Prior to filing the application, the applicant shall mail or hand deliver a copy of the application to the owners of the properties contiguous to the premises where the proposed tree destruction or removal is to take place. The applicant shall confirm compliance with this requirement on the application.
- (g) The fee for each application shall be one hundred [forty] dollars.

Section 6. Section 22-14, “Review of application for tree removal; decision on application; time requirements; expiration,” of Chapter 22 of the Township Code is hereby amended as follows (additions are underlined and deletions are [bracketed]):

Sec. 22-14 Review of application for tree removal; decision on application; time requirements; expiration.

- (a) The enforcement officer shall accept for filing the permit application referenced in section 22-13 above. Said application shall be date and time stamped when received. Thereafter, the enforcement officer shall within 20 business days of receipt of the completed application:
 - (1) Visit and inspect the location and inspect the land and trees that are the subject of the application;
 - (2) If necessary, meet with the applicant to discuss the application; and
 - (3) Grant or deny the requested permit in whole or in part, or make recommendations that would make the application acceptable to the enforcement officer, in writing and in accordance with the following considerations:
 - a. Whether the removal or destruction of the tree or trees will cause or contribute to physical or environmental problems on the land and other property, including but not limited to flooding, soil instability and erosion.
 - b. Whether the destruction or removal of the tree or trees will have a negative impact on the contiguous canopy or on the growth and development of the remaining trees on the land and other property.

- c. Whether the destruction or removal of the tree or trees will have a negative aesthetic or visual impact on the land and other property.
 - d. Whether the destruction or removal of the tree or trees will threaten or otherwise lead to a loss of wildlife habitat or tree species.
 - e. Whether the tree or trees are specimen [or], significant or endangered tree(s) as defined in section 22-2 above.
 - f. Whether the destruction or removal of the tree or trees is under the jurisdiction of a New Jersey or Federal agency, including but not limited to the New Jersey Department of Environmental Protection.
 - g. Whether the destruction or removal of the tree or trees is a part of an overall landscape plan for the property.
 - h. Whether a denial of the permit, in whole or part, would cause an undue hardship on the applicant.
 - i. Whether the applicant's tree replacement plan will mitigate the negative impact that the tree removal or destruction will have on the land and other property.
- (b) A decision other than one to grant the requested permit in its entirety shall include the enforcement officer's written findings and reasons for said decision.
- [(c)] The failure of the enforcement officer to grant or deny the application for a permit for the removal or destruction of a tree or trees within the twenty-business-day period shall constitute approval of said application and entitle the applicant to the permit requested unless an extension of the twenty business-day period has been agreed upon between the applicant and the enforcement officer in writing before the period expires.]
- [(d)](c) The removal of trees and any tree replacement plan are to be implemented within one year from issuance of the permit. A permit shall expire and shall no longer be in effect 12 months after the date said permit was first granted, unless an extension of the twelve-month period has been agreed upon between the permittee and the enforcement officer in writing before the period expires.
- [(e)](d) Permits shall not be transferrable.

Section 7. Section 22-16, “Violations and penalties; informal and formal complaint procedures,” of Chapter 22 of the Township Code is hereby amended as follows (additions are underlined and deletions are [bracketed]):

Sec. 22-16. Violations and penalties; informal resolution and formal complaint procedures.

A person who removes or destroys a tree without a required permit or approval, or otherwise violates or causes to be violated any of the provisions of this chapter, shall be subject to the following informal resolution and formal complaint procedures[, as applicable]:

- (a) Informal resolution. Any person who removes or destroys a tree without a required permit or approval under this chapter, or otherwise violates or causes to be violated any of the provisions of this chapter, shall have the opportunity to resolve the matter prior to the issuance of a summons and complaint. The following procedure shall apply:
 - (1) The enforcement officer shall offer a written recommendation [(using a form approved by the public works department)] that is, in [his or her] the enforcement officer’s judgment, sufficient to resolve the matter.
 - (2) In the case of the removal or destruction of a tree without a required permit or approval, the recommendation[, which] shall include either replacement of the removed or destroyed tree(s) or the payment of a replacement fee to the Municipality for removal or destruction of the tree(s), or both, in accordance with [Schedule A above,] the foregoing Tree Replacement Schedule. In addition to the planting of a replacement tree(s) and/or payment of a tree replacement fee(s) in accordance with the Tree Replacement Schedule [Schedule A], there shall also be required the payment of an administrative service fee, which shall be charged per hour based on the anticipated staff time in investigating and resolving the matter, and which may include site visits and analysis, supervisory services and/or clerical services. The hourly rate shall be the hourly wage of the employee conducting the site visit(s) and analysis, supervisory services and/or clerical services as set by the council by resolution from year to year. [The hourly wage of salaried personnel shall be calculated by dividing the employee's annual salary as set by the council by resolution by 26 (weeks) and then dividing that biweekly pay by the number of hours worked in a biweekly period.]

The tree replacement and service fees shall be paid into the Princeton Shade Tree Trust Reserve.

[(2)](3)The person shall have 10 days following receipt of the enforcement officer's written recommendation to accept said recommendation in writing. If the person accepts the enforcement officer's recommendation in writing within the ten-day period, then any agreed-upon method of resolution, including tree replacement and/or payment of a tree replacement fee, and payment of the service fee, shall be completed within 10 days of written acceptance of the enforcement officer's recommendation. If not completed within this ten-day period, then the enforcement officer shall have the authority to cause the issuance of a summons and complaint returnable in the Princeton municipal court.

[(3)](4)If the person does not accept the enforcement officer's recommendation, then during the initial ten-day period the person may request, in writing, that the shade tree commission review the enforcement officer's recommendation. If such request is timely submitted to the enforcement officer, then the person shall have the opportunity to bring the matter before the shade tree commission during its next regularly scheduled meeting. The shade tree commission shall then review the enforcement officer's decision at said meeting, and shall complete its review and make a recommendation no later than [have 30 days after said meeting to issue its recommendation on the matter, or until and including] its subsequent [following] regularly scheduled meeting[, whichever occurs first]. The person seeking such review shall have 10 days after receipt of the shade tree commission's recommendation to advise the shade tree commission and enforcement officer in writing as to whether he or she accepts the shade tree commission's recommendation. Any agreed-upon method of resolution such as tree replacement and/or payment of a tree replacement fee, and payment of the service fee, shall be completed within 10 days of written acceptance of the shade tree commission recommendation. If not completed within this ten-day period, the enforcement officer shall have the authority to cause the issuance of a summons and complaint returnable in the Princeton municipal court.

[(4)](5)If the person does not accept the enforcement officer's initial recommendation or the shade tree commission's recommendation within the applicable periods set forth above, then the enforcement officer shall have the authority to cause the issuance of a summons and complaint returnable in the Princeton municipal court.

- (b) Adjudication of complaints in municipal court. A person violating this chapter, who has not otherwise resolved the matter as set forth above in subsection (a) of this section, shall be subject to the penalties set forth in section 1-6 of [this] the “Code of the Borough of Princeton, New Jersey (1974)”. In addition, the court may order restitution (appraised value) and/or replacement of the tree or trees illegally removed or destroyed. Each tree removed or destroyed on the same lot in violation of this chapter shall be considered a separate violation.

Section 8. Section 22-17, “Annual report,” of Chapter 22 of the Township Code is hereby amended as follows (additions are underlined and deletions are [bracketed]):

Sec. 22-17. Annual report.

The enforcement officer, in consultation with the shade tree commission, shall make an annual report to the [shade tree commission, which shall then report to the] mayor and council, as to permits granted and denied in each calendar year pursuant to this article. Said report shall also include data concerning the quantity of complaints resolved, fees and assessments collected and disbursements from the Princeton Shade Tree Trust Reserve and progress towards the objectives in Princeton’s Community Forestry Management Plan. Such report shall be submitted by February 1 of each year as to the preceding year’s activities.

Section 9. Section 10B-227A, “Tree preservation, protection, and mitigation,” within Article X, “Site Plans,” of Chapter 10B, “Land Use,” of the Township Code is hereby amended as follows (additions are underlined and deletions are [bracketed]):

Sec. 10B-227A. Tree preservation, protection, and mitigation.

- (a) Purpose and intent.

- (1) It is the purpose of this section to protect the general health, safety, welfare, and well- being of the residents of Princeton as well as the integrity of the natural environment and processes upon which the residents of Princeton depend through the protection of trees and the preservation, as much as practically possible, of Princeton’s tree canopy. Trees are important cultural, ecological, scenic and economic resources, and the removal, cutting, and destruction of trees within Princeton result in increased drainage control costs, increased soil erosion, increased buildup of atmospheric carbon and dust, decreased fertility of the soil, and a decrease in the overall tree canopy.

(2) Therefore, it is in the public interest that Princeton exercise its police powers and enact the following section to control tree cutting, removal and destruction in connection with development in an effort to meet the objective of preserving, protecting, enhancing, and maintaining trees and the overall tree canopy.

(3) Before removing or destroying any tree requiring a permit under the appropriate provisions of chapter 22 of this Code, in addition to complying with the requirements of this section, a person seeking development approval shall also apply for and obtain such permit(s) as required under said chapter 22.

(b) Tree preservation. A development plan shall be designed to minimize tree disturbance. Where healthy and desirable trees slated for removal by a development plan can be saved by reasonable adjustments to the plan, the applicant working with the municipal engineer and arborist shall seek to make such adjustments.

The following standards shall be used to identify healthy and desirable trees:

(1) Size of the tree, including both height and caliper.

(2) Species of the tree. This factor shall take into account the type of tree and whether it is an invasive species[,]; a rare and/or unusual type of tree;[, or] a native plant; and / or a specimen, significant or endangered tree as defined in section 22-2 of the Code. Preference should be given to preserving native trees;[,] unusual trees;[,]
specimen, significant, and endangered trees; [or] rare or historic species within a historic preservation zoning district, a historic preservation buffer zoning district or a historic site on the national or state historic registers; and trees that have a remaining life of over 50 years.

(3) Condition of the tree. This factor shall take into account:

a. The tree's roots, including anchorage, collar/flare soundness, mechanical injury, girdling/kinked roots, compaction/waterlogged roots, toxic gasses/chemical systems, and presence of insects or diseases.

b. The tree's trunk, including sound bark and wood, cavities, mechanical or fire injury, cracks, swollen or sunken areas, presence of insects or disease, fungal growths and lightning strikes.

c. The tree's scaffold branches, including strong attachment, vertical branch distribution free of included bark and decay

and cavities. Scaffold branches shall be well proportioned with proper taper, good wound closure and absence of deadwood, insects or diseases.

- d. The tree's small branches and twigs, including vigor of current shoots, good distribution throughout canopy, normal appearance of buds, absence of insects or diseases, and absence of weak or dead twigs.
- e. The tree's foliage and/or buds, including size of foliage and/or buds, coloration of foliage, wilted or dead leaves, dry buds, presence of insects or diseases.
- f. The tree's age. Preference should be given to preserving trees that have a remaining life of over 50 years.

(4) Locational importance of the tree. This factor shall take into account the tree's unique functional and aesthetic contributions to the property; the effect of the removal of the tree from the landscape; the effect of the removal of the tree on the canopy of the subject property and abutting properties; and the impact of the tree's removal on the property's drainage, soil erosion, loss of tree species and loss of wildlife habitat. If the tree is of a native species that has been determined by the State or Federal government to be an endangered species, then effort shall be taken to the extent practicable to conserve the habitat that sustains the tree.

(c) Protection of trees during construction. All trees remaining on site during construction shall be protected. Developers shall [use the following methods to ensure that trees remaining on site during construction are not damaged:]comply with provisions of section 22-20 of this Code. In addition:

[(1) No soil shall be deposited or removed within the drip line or within eight feet of any existing tree trunk, whichever is greater. No machinery or materials shall be stored, deposited, cleaned, or operated within the drip line or within eight feet of any existing trunk, whichever is greater.]

[(2)](1) Drip lines of trees being preserved on site shall be clearly protected by wood snow fencing. At no time during construction shall the placement of the fencing be altered without the written permission of the municipal engineer or engineer's designee.

[(3)](2) The grade of the land located along the drip line shall not be raised or lowered more than six inches unless protected by welling or retaining methods and in no event shall the welling or retaining methods be less than

eight feet from the trunk of the tree.

[(4)](3) All debris created during tree removal and replacement shall be removed from the site for disposal before any certificate of occupancy shall be issued.

[(5)](4) Where clearing and construction on the site results in [accidental] removal or damage of any tree denoted in the tree survey as remaining on the site, such removed or damaged tree shall be replaced as set forth in this section.

[(6)](5) The construction['s] limit of disturbance shall be delineated with [snow] orange plastic fencing or an equivalent approved by the municipal engineer or engineer's designee.

[(7)](6) Any and all appropriate measures to maintain the vitality of the preserved trees on the property shall be denoted on the tree survey.

(d) Mitigation.

(1) Replanting.

- a. Planting will occur on-site in accordance with the tree replacement schedule below. The replanted trees shall be in accordance with industry standards of 2 1/2 to three inch caliper. The trees shall be of indigenous species and shall be site specific.
- b. On-site planting is preferred. If on-site planting is not feasible then off-site planting on public lands may occur with the written authorization of, and subject to a plan approved by, the municipal engineer or engineer's designee.
- c. All planting [will be subject to the planting standards detailed in the document entitled "Engineering Standard Details & Design Criteria: Department of Engineering" and]shall be completed prior to the release of the performance bond.
- d. All planted trees, both planted on-site and off-site, will be subject to a two-year maintenance guarantee period during which the applicant will be responsible for all care and maintenance. During the two-year maintenance period, the municipal engineer or [his]engineer's designee shall identify all trees that are weak, diseased, dying or dead, and these trees shall be replaced by the applicant at no cost to

the municipality.

Tree Removed/ Destroyed	[Tree Replacement Schedule Required Replacement Tree	Tree Replacement Fee
Tree with DBH of 8 inches to 16.99 inches	1 Replacement Tree	\$400
Tree with DBH of 17 inches to 30.99 inches	2 Replacement Trees	\$800
Tree with DBH of 31 inches to 38.99 inches	3 Replacement Trees	\$1,200
Tree with DBH of 39 inches or greater	4 Replacement Trees	\$1,600]

(2) Monetary contribution.

- a. A monetary contribution [in accordance with the tree replacement schedule above] shall be made by the applicant to the Princeton [shade tree escrow fund] Shade Tree Trust Reserve for each tree removed that the applicant is not able to replant in accordance with the tree replacement schedule in section [T10B-227A(d)(1)]22-13(d))(1) of this Code.
- b. Payment must be submitted prior to the release of the applicant's performance bond.
- [c. All funds collected shall be made out to the Princeton shade tree escrow fund and deposited into an escrow account clearly designated as the Princeton shade tree escrow fund. Funds so deposited shall be used solely for the planting of trees in public parks, property surrounding public buildings, and rights-of-way.
- d. Any and all appropriations from the Princeton shade tree escrow fund shall be made by the Governing Body of Princeton, upon recommendation and report from the shade tree commission, which shall include locations within the municipality needing remediation based upon the removal of trees at those locations nearest the site that generated the funds.
- e. The Princeton shade tree escrow fund shall be administered by Princeton's chief financial officer. The chief financial officer shall report (listing by date for the report period) to

the Governing Body, the Planning Board, and the shade tree commission, on an annual basis, the amount in the Princeton shade tree escrow fund as of the end of each year, the amount deposited by each development application or other contribution, and all amounts dedicated from the escrow fund for that period. Such report shall be filed with the municipal clerk and made available as a public record.]

Section 10. All ordinances and resolutions or parts thereof inconsistent with this ordinance are repealed.

Section 11. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portion thereof.

Section 12. This ordinance shall take effect on January 1, 2026.

Dawn Mount, Clerk

Mark Freda, Mayor

Ordinance Introduced:

Ordinance Adopted:

The purposes of this ordinance are to update various sections in Princeton’s “Trees and Shrubs” and “Land Use” ordinances to ensure consistency with current practice, help sustain the municipal tree canopy by promoting conservation of trees on private property, ensure the provisions of the “Trees and Shrubs” ordinance apply to tree removal that is part of development applications, and incorporate certain protections recommended by the New Jersey Department of Environmental Protection Agency’s through its model tree removal and replacement ordinance.