

ORDINANCE 2024-10

AN ORDINANCE OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 66 OF THE BOROUGH CODE, ENTITLED "BRUSH, WEEDS & GRASS" TO PROVIDE FOR THE REGULATION OF STREET TREE REMOVAL.

BE IT ORDAINED by the Mayor and Borough Council of the Borough of Barnegat Light, County of Ocean, State of New Jersey, as follows:

SECTION 1. Chapter 66 of the Borough Code of the Borough of Barnegat Light is hereby amended and supplemented to provide re-name the chapter "Brush, Weeds, Grass & Trees," and to adopt a new Section 66-4.2, to be entitled "Street Tree Regulations," to read as follows:

Chapter 66  
BRUSH, WEEDS, GRASS & TREES

§ 66-4.2. Street Tree Regulations.

A. Tree Replacement Requirements.

1. Any person who removes or causes to be removed, one or more Street Trees with a DBH of 2.5" or more, unless exempt as set forth below, shall be subject to the requirement to replace each such removed tree with a like-kind planted tree on the applicable property, in accordance with the instructions of the Borough Code Enforcement Officer and/or Borough Engineer.
2. Any person, other than a single family residence owner, who removes or causes to be removed, one or more trees with a DBH of 6" or more per acre, unless exempt as set forth below, shall be subject to the requirement to replace each such removed tree with a like-kind planted tree on the applicable property, in accordance with the instructions of the Borough Code Enforcement Officer and/or Borough Engineer.
3. "DBH" means "Diameter at Breast Height," which is the diameter of the trunk of a mature tree generally measured at a point four and a half feet above ground level from the uphill side of the tree.
4. "Street Trees" are trees located in the sidewalk, planting strip, and/or in the public right-of-way adjacent to the portion of the street reserved for vehicular traffic. This also includes trees located in planting strips within the roadway right-of-way, i.e., islands, medians, pedestrian refuges.

B. Replacement Alternatives. If the Borough determines that some or all required replacement trees cannot be plant the property where the tree removal activity occurred, then the person and/or property owner involved shall do one of the following:

1. Plant replacement trees in a separate area approved by the Borough.
2. Pay a fee in the amount to be set by Borough per tree removed, based upon the estimated cost of a like-kind tree replacement. This fee shall be placed into a fund in the municipal budget dedicated to tree planting and continued maintenance of the trees.

C. Exemptions. All persons shall comply with the tree replacement standard outlined above, except in the cases detailed below.

1. Residents who remove less than 4 trees per acre or part thereof within any 5-year period;
2. Trees required to be removed during construction of new residences, as determined in advance by the Borough Construction Official, Borough Code Enforcement Officer, and/or Borough Engineer;
3. Any trees removed pursuant to a New Jersey Department of Environmental

Protection or U.S. Environmental Protection Agency approved environmental clean-up, or NJDEP approved habitat enhancement plan;

- 4. Approved game management practices, as recommended by the State of New Jersey Department of Environmental Protection, Division of Fish, Game and Wildlife;
- 5. Hazard trees may be removed with no replacement requirement.

D. Penalty. In addition to the requirements set forth above, a violation of this section shall be punishable as provided in § 1-15 of the Borough Code.. Any person who violates this section shall also be required to reimburse the Borough for any and all fines, costs, assessments, or other penalties imposed upon the Borough as a result thereof by other governmental agencies.

**SECTION 2.** All ordinances of parts of ordinances inconsistent herewith are hereby repealed.

Passage on First Reading:      Date: August 14, 2024

Larson	Moved	Second	Aye	Nay	Abstain	Absent
Spark						
Wellington						
Gutowski						
Reynolds						
Foley						
Mikuletzky						

Attest:

\_\_\_\_\_  
BRENDA L. KUHN, Municipal Clerk

ADOPTION:

Final Passage:                      Date: September 11, 2024

Larson	Moved	Second	Aye	Nay	Abstain	Absent
Spark						
Wellington						
Gutowski						
Reynolds						
Foley						
Mikuletzky						

Attest:

\_\_\_\_\_  
BRENDA L. KUHN, Municipal Clerk

APPROVED:

\_\_\_\_\_  
KIRK O. LARSON, Mayor

Attest:

\_\_\_\_\_  
BRENDA L. KUHN, Municipal Clerk