

**ORDINANCE NO. 2386**

**AN ORDINANCE AMENDING CHAPTER IX OF THE "REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF OCEAN, 1965" ENTITLED SOIL AND TREE REMOVAL**

**WHEREAS**, the Township of Ocean (the "Township") is a public body corporate and politic of the State of New Jersey; and

**WHEREAS**, on April 14, 2022, the Township enacted Ordinance #2381 amending and supplementing certain chapters of its Code as related to removal of trees; and

**WHEREAS**, the Township seeks to modify same.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWNSHIP OF OCEAN AS FOLLOWS:**

**SECTION ONE: AMENDMENT TO CHAPTER 9 "SOIL AND TREE REMOVAL"**

Chapter 9 (Soil and Tree Removal) of the Code of the Township of Ocean shall be amended as follows; additions to the current ordinance are noted in underline.

\* \* \*

**Section 9-2.3 Tree Removal Prohibited.**

a. No person shall remove, or cause to be removed, any deciduous tree with a DBH of six inches or greater or a coniferous tree with a height of ten feet or more upon any lands within the Township of Ocean except as follows:

1. Trees that are to be removed as the direct result of a development application that has been approved by the Township of Ocean Planning Board or Zoning Board of Adjustment. No tree on an approved site plan or subdivision should be removed without authority from the Municipal Agency;

\* \* \*

**Section 9-2.5 Tree Removal Permit Requirements**

\* \* \*

b. Tree Replacement:

2. A Deciduous Replacement Tree shall be either one tree that measures at least ~~three~~ 2 ½ inches in caliper or two trees that measure at least two inches in caliper.

\* \* \*

**Section 9-2.6 Fees.**

Upon the filing of an application with the Department of Community Development for a tree removal permit under the terms of this section, the applicant shall pay an application fee of \$100 plus \$100 for each tree to be removed over and above the three trees permitted by rights per Subsection 9-2.7.

**Section 9-2.7 Permit Approval.**

a. Permit by Right.

No permit shall be denied under this section for the removal of up to three living trees per three year period per individual residential lots with a dwelling located on the lot, regardless of ownership transfer, subject to the following conditions:

1. Trees removed as a result of subsection 9-2.4 paragraph a.1 or a.2 above shall not be counted towards these three trees. If trees are damaged due to activities within the dripline of the tree, e.g., the piling of soil, placement of large equipment, or over-pruning, those trees will be counted toward this total;

2. The trees that are to remain are healthy;
3. The trees do not have canopies that extend over the public right-of-way;
4. The trees to be removed are not located on any portion of the lot having a slope greater than fifteen (15%) percent;
5. The trees to be removed are not located in a wetland, a wetland transition area, a stream buffer as defined by the NJDEP, or in a 50-foot buffer of the shoreline of a lake; and
6. The trees are neither specimen, historic, nor significant trees.

**SECTION TWO**

All ordinances, or parts of ordinances, in conflict with the provisions of this Ordinance, to the extent of such conflict, are repealed. If any section, paragraph, subparagraph, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subparagraph, clause or provision so adjudged and the remainder of this ordinance shall be deemed valid and effective.

**SECTION THREE**

This This Ordinance shall take effect upon its final passage and publication as provided by law.

Record of Vote	Deputy Mayor Napolitani	Councilman Acerra	Councilwoman Donlon	Councilman Fisher	Mayor Siciliano
Motion To Approve			X		
Motion to Second	X				
Approved	X	X	X	X	X
Opposed					
Not Voting/Recuse					
Absent/Excused					

**CERTIFICATION**

*I hereby certify that this is a true copy of an Ordinance adopted by the Township of Ocean Governing Body at their meeting held on **May 12, 2022**.*

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 Jessie M. Joseph, RMC/CMC  
 Township Clerk