

**TOWNSHIP OF MANSFIELD
BURLINGTON COUNTY**

ORDINANCE 2021-34

**AN ORDINANCE AMENDING THE CODE OF MANSFIELD
TOWNSHIP, CHAPTER 60B “TREE REMOVAL”.**

WHEREAS, the Township Committee of the Township of Mansfield declares and finds that the current Township Ordinances governing tree removal, including the duties of the Township Forester, are in need of revision; and.

WHEREAS, the Township Council for the Township of Medford deems it to be in the best interests of its residents to adopt this Ordinance.

NOW THEREFORE BE IT ORDAINED by the Township Committee of the Township of Mansfield, in the County of Burlington and State of New Jersey, as follows:

SECTION ONE: The first sentence of Chapter 60B, Section 60B-1 “Legislative Intent”, is hereby amended to add the following sentence at the end of said Section:

“It is further the intent of this Chapter 60B “Tree Removal” to provide for assistance by a designated Professional Forester to owners of individual residential and commercial parcels in the Township in complying with the provisions of this Chapter, while requiring professional review at the developer’s expense of applications for development and major tree removal by professionals designated by the Township Planning Board sitting as a Joint Land Use Board (“JLUB”) and the Township Environmental Commission.”

SECTION TWO: Chapter 60B "Tree Removal", Section 60B-3 "Definitions" is hereby amended to delete the definition of "Professional Forester" and replace it with the following definition:

“Professional Forester- a person skilled by educational training in the science of tree care that engages in the business of the treatment, care, or removal of trees. The term “Professional Forester” shall specifically include a Licensed Tree Care Operator (LTCO) and/or a Licensed Tree Expert (LTE) that is issued a professional certification by the New Jersey Board of Tree Experts as delineated in the Tree Expert and Tree Care Operator Licensing Act of 2010, N.J.S.A. 45:15C-11 et. seq.”

SECTION THREE: The second sentence of Section 60B-5 “Permit; site plan information” is hereby amended to delete the phrase "to be reviewed by the Township Forester" and replaced

with the phrase "to be reviewed by the professionals designated by the JLUB as part of the review of the application for development".

SECTION FOUR: The first sentence of Section 60B-5A is hereby amended to delete the first sentence and replace it as follows: "Any person wishing to obtain a permit to remove one or more trees or clear land as required under the provisions of this chapter (unless being reviewed as part of application for development to be reviewed by professionals designated by the JLUB) shall make application to the Township Forester by filing a written application and paying such fee as established herein."

SECTION FIVE: Section 60B-6 "Field Check-consultation with Environmental Commission" and 60B-7 "Pre-application inspection" are hereby amended to provide that the reference to the Township Forester shall be amended to include the following phrase "...the Township Forester or the professional designated by the JLUB as part of the review of the application for development..."

SECTION SIX: Section 60B-8 "Conditions for issuance of permits; basis for denial" subsections A, B (1), B (2) and C are hereby amended to provide that the reference to the Township Forester shall be amended to include the following phrase "...the Township Forester or the professional designated by the JLUB as part of the review of the application for development..."

SECTION SEVEN: Section 60B-9 "Fees" is hereby amended to repeal and delete subsections A and B, and replace them as follows:

"A. The applicant, at the time of filing the application with the Township Forester shall pay to the Township an application fee calculated based on a schedule maintained by the Township Forester based on the quantity and quality of the tree or trees proposed to be removed.

B. If the determination by the Township Forester and Environmental Commission on the application is unfavorable and no permit is issued, the Township Forester shall promptly notify the applicant, in writing, with respect thereto and shall not issue said permit. In that event, the application fee paid shall be nonrefundable and shall be retained for the purpose of defraying expenses for reviewing the application."

SECTION EIGHT: Section 60B-12 Exemptions", subsection C is hereby amended to delete the phrase "...must submit to the Township Forester" and replace it with the phrase "... must submit to the Township Forester or the professional designated by the JLUB as part of the review of the application for development..."

SECTION NINE: Section 60B-14 "Stop-work orders; withholding of approval" is hereby amended to delete the phrase "the Township Forester is hereby authorized to issue stop work orders..." and replace it with the phrase "The Township Forester is hereby authorized to request the Township Engineer to issue stop work orders..."

SECTION TEN: Section 60B-17.1 "Duties of Township Forester" is hereby amended to delete the Section and replace it as follows:

“The Township Forester, and the professional designated by the JLUB in the case of an application for development, shall perform the duties set forth in this chapter and shall be responsible for the enforcement of the provisions of this chapter. In this regard, the Township Forester is authorized and shall perform any necessary inspections, except where inspections are conducted by the Township Engineer in the case of approved applications for development. The Township Forester shall request the Zoning Officer to issue violation notices and sign complaints in the municipal court for violations of this chapter, except where the Township enforces violations of this chapter as part of enforcement of the conditions of an approval of an application of development.”

SECTION ELEVEN: Section 60B-4 “Applicability; regulations; specimen and historic trees” is re-named as “Section 60B-4 “Applicability; regulations; specimen and historic trees; removal of dead trees” and is further amended to add a new subsection C. “Removal of dead trees”, as follows:

“C. Removal of dead trees. Any lot owner in the Township is responsible to remove all dead trees on the lot owner’s property at the lot owner's sole cost and expense.”

REPEALER, SEVERABILITY AND EFFECTIVE DATE

- A. Any and all Ordinances and provisions thereof inconsistent with the provisions of this Ordinance shall be and are hereby repealed to the extent of such inconsistency
- B. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision and the remainder of this ordinance shall be deemed valid and effective.
- C. This Ordinance shall take effect immediately upon final passage and publication according to law.

I, **LINDA SEMUS, RMC, CMR**, Municipal Clerk of the Township of Mansfield, County of Burlington, State of New Jersey, do hereby certify the foregoing to be a true and accurate copy of an Ordinance which was introduced on November 23, 2021 and will be considered for final adoption after the second reading and public hearing by the Township Committee of the Township of Mansfield on December 15, 2021.

LINDA SEMUS, RMC, CMR
Municipal Clerk

Introduced: 11-23-2021
Adopted: