

**TOWNSHIP OF MOORESTOWN**

**ORDINANCE NO. 3-2018**

**AN ORDINANCE OF THE TOWNSHIP OF MOORESTOWN  
AMENDING CHAPTER 160 ENTITLED  
“PRESERVATION AND RESTORATION OF EXISTING VEGETATION”**

**WHEREAS**, the Moorestown Tree Planting and Preservation Committee have recommended Chapter 160 be amended to include and more accurately set forth the Township’s desire to preserve its arboreal assets and require permits be issued for any contractor, resident or entity wishing to remove, transplant or otherwise treat Township Trees.

**WHEREAS**, Township Council and the Township Manager have reviewed the recommendation and find same to be appropriate.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Moorestown, County of Burlington, that Chapter 160 of the Code of the Township of Moorestown be amended as follows:

**§ 160-1 Legislative intent.**

A. It is recognized that there is a strong relationship between Moorestown's quality of life and the integrity of the region's water quality, air quality, indigenous landscape and aesthetic amenities.

B. Destruction of Moorestown's existing trees, woodlands, forests, meadows and other native natural plant associations contributes to increased soil erosion and sedimentation, increased stormwater runoff which results in increased costs to control runoff, decreased water quality, decreased groundwater recharge, increased greenhouse effects, increased dust and decreased property values. The appropriate management and use of existing vegetation resources are an important health, safety and welfare concern as per N.J.S.A. 40:48-2.

C. Therefore, it is the intent of these regulations to protect and preserve the air, water, indigenous landscape and aesthetic quality of Moorestown Township by reducing the removal of trees, forests and woodlands and to restore trees when tree removal is necessary as part of land development or subdivision.

D. Specifically it is the intent of the regulations to:

- (1) Reduce soil erosion and protect surface water quality by minimizing soil and tree root disturbance in existing woodlands, around tree masses or under individual trees.
- (2) Reduce stormwater runoff, velocity and volume by retaining woodland and forest areas where stormwater can infiltrate easily.
- (3) Increase groundwater recharge by retaining woodland areas where stormwater can infiltrate easily.
- (4) Improve air quality by conserving existing trees and other mature vegetation which produce oxygen and remove carbon dioxide from the atmosphere.
- (5) Protect wildlife habitat.
- (6) Retain existing trees to provide wind breaks, shade and other microclimate benefits.
- (7) Retain trees and woodlands that are important to the history or beauty of Moorestown.
- (8) Preserve and enhance property values by retaining and properly protecting existing trees.
- (9) Replace trees removed for land development.
- (10) Identify trees for protection and to provide guidance for their protection and/or replacement.
- 11) Preserve and protect all trees within the Township including those located within Township owned properties and right of ways.

- (12) Clearly set forth prohibited actions, and define penalties for prohibited actions.
- (13) Establish a Uniform Standard for Assessing the replacement costs for unauthorized removal, damage or destruction by private parties to trees.
- (14) Standardize and simplify procedures for receiving, reviewing, approving/denying applications to plant, maintain, remove or replace trees.
- (15) Establish a permit fee of \$25 for administering permits required under this ordinance.

**§ 160-2 Definitions.**

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

**AREA OF DEVELOPMENT**

The portion of a lot or tract which is not specifically excluded from development by any federal, state, county or municipal law or ordinance. For purposes of this chapter, those lands specifically eliminated from consideration as areas of development include, but are not limited to, wetlands as defined by N.J.S.A. 12:9B-1 et seq., and stream corridors as defined in § 180-2. The area of development shall include setback, yard and buffer areas as prescribed in the Subdivision[1] or Zoning Ordinances,[2] wetlands transition areas, and any areas covered by deed restrictions or covenants.

[Amended 6-24-2002 by Ord. No. 2006-02]

**CALIPER**

Standard measure of tree size for trees to be newly planted. The measurement is taken six inches above the ground level for trees four inches in diameter or less and 12 inches above the ground for trees over four inches in diameter.

**CROWN**

That portion of the tree comprised of branches.

**DIAMETER AT BREAST HEIGHT (DBH)**

Diameter of a tree measured 4 1/2 feet or 42 inches (forestry method) above the ground level on the downhill side for existing trees. Diameter at breast height may appear as the abbreviation "DBH."

**DRIPLINE**

A limiting line established on the ground by a series of perpendicular drop points marking the maximum radius of the crown of an existing tree, but not less than six feet from the trunk, whichever is greater.

**ISA (INTERNATIONAL SOCIETY OF ARBORICULTURE) RISK ASSESSMENT**

An industry standard for determining the risk a hazardous tree presents.

**MINIMIZE**

To reduce to the smallest extent possible, given the allowed development. Minimize does not mean to "eliminate" but rather that the most substantial efforts possible under the circumstances have been taken to reduce the adverse effect of the proposed action (such as grading, clearing, building, etc.).

**MULTISTEM TREES**

Trees having two or more main stems arising from the roots or main trunk not more than six inches above the ground level. Measurement of multistem trees shall be the average DBH of all stems.

**PERFORMANCE BOND**

A sum paid by a person seeking to plant, maintain, remove or replace trees to guarantee that said person will perform the work in accordance with the permit and related documentation.

**PRESERVATION AREA**

The area surrounding a Township Tree, wherein its roots grow. Generally, encompassing the area beneath its crown and such area whose regulation is necessary and appropriate to the health and maintenance of the tree.

**PRIVATELY OWNED TREE**

Any tree located on privately owned property as designated on a map or plan filed with the Burlington County Clerk's office or on the Official Tax Map of the Township of Moorestown.

**TREE REPLACEMENT ASSESSMENT**

The amount paid by a person who removes, damages or destroys a Township tree without approval. (See schedule 160-6E)

**REPLACEMENT TREE**

A nursery-grown certified tree, properly balled, marked with a durable label indicating genus, species and variety, and satisfying the standards established for nursery stock and installation thereof, set forth by the American Association of Nurseryman (AAN).

**SIGNIFICANT EXISTING TREES**

Healthy trees, as set forth in Schedule 160-6.

**STEEP SLOPES**

Slopes 15% or greater.

**TOWNSHIP PROPERTY**

Lands which are owned by the Township of Moorestown or are within the right-of-way (ROW) of the Township's streets, highways (especially the area between the curbing and sidewalk), open space or under the control of the Township of Moorestown.

**TOWNSHIP TREE**

Any tree situated on Township Property or within the right-of-way as designated on a map or plan filed with the Burlington County Clerk's office or on the Official Tax Map of the Township of Moorestown.

**TREE**

Any self-supporting woody plant which reaches a typical minimum height of 12 feet or more at maturity with a distinct trunk and crown.

**TREE BANK**

The account for funds collected from an applicant in lieu of planting replacement trees. This fund has been established by the Township for administering, protecting, preserving, maintaining and replacing trees and encouraging best preservation practices as may be consistent with the Act and Community Stewardship Incentive Program as outlined in N.J.S.A. 13:1L-17.1

**TREE CANOPY AREA**

The ground area encompassed to the dripline of trees, tree masses or woodlands.

**TREE COMMITTEE**

The Moorestown Tree Planting and Preservation Committee.

**TREE MASS**

A grouping of three or more trees whose canopies intertwine.

**TRUNK**

That portion of a stem or stems of a tree before branching.

**TRUNK FLARE**

The point of intersection between the tree roots and the tree trunk.

## **WOODLAND**

A plant community dominated by trees and other woody plants covering at least 10,000 square feet and containing a minimum of 100 trees with at least 50% of those trees having a two-inch DBH or greater.

[1] Editor's Note: See Ch. 158, Subdivision of Land.

[2] Editor's Note: See Ch. 180, Zoning.

### **§ 160-3 Applicability; preservation of existing vegetation.**

A. No significant existing tree in the Township of Moorestown shall be cut or otherwise removed unless done in accordance with the provisions of this chapter. Certain exemptions are allowed under § 160-11 of this chapter.

B. All subdivisions, site plans and any other land development shall be laid out in such a manner as to minimize the removal of or damage to significant existing trees, shrubs and significant vegetation either on or off-site including but not limited to street trees, significant free-standing trees, tree masses, woodlands and forests.

### **§ 160-3.1 Prohibited Acts, Stop Work Orders**

A. No person, firm or corporation shall do, or cause to be done, any of the following acts with regard to Township trees without authorization obtained pursuant to the provisions of this ordinance.

- 1) Cut, girdle, climb with spikes, disturb the roots of or otherwise injure, or remove any living Township Tree; or injure, misuse or remove any structure or device placed to support or protect a Township Tree.
- 2) Fasten any rope, wire, electrical attachment, sign or other device to a Township Tree.
- 3) Close or obstruct the Preservation Area around the base of any Township Tree, including, but not limited to, excessive amounts of or improperly applied mulch.
- 4) Close or obstruct Township Property so as to prevent the planting of a Township Tree if the Township Property otherwise would be appropriate for such planting.

B. The Township of Moorestown Department of Public Works or other Township Designee may issue a Stop Work order for any of the above prohibitions. The Order shall remain in effect until the Township issues a permit for said work. Exemptions to these prohibitions are covered in § 160-11.

### **§ 160-3.2 Emergencies; Hazardous Trees**

In case of emergencies, such as hurricanes, fire, windstorm, ice storm, flood, freezing temperatures or other disaster, or in the case of dead or diseased trees that pose an imminent threat to the safety of persons or property, the requirements of the regulations set forth in this chapter may be waived by the Department of Public Works or its designee upon determining that such waiver is necessary to remove the threat in order to protect public health and safety.

### **§ 160-4 Detailed requirements for site plans and subdivisions.**

A. Tree inventory. A tree inventory shall be shown on the existing conditions or landscape plan according to the following:

- (1) The location, elevation, relative health and species of all significant existing trees on site. Within woodland areas, the number of significant existing trees may be approximated using the forest density survey method. This shall be done by a certified tree expert, a N.J. certified forester or other tree expert acceptable to the Department of Community Development. [Amended 6-24-2002 by Ord. No. 2006-02]
- (2) All significant existing trees off-site, whose dripline is within 25 feet of proposed construction, shall be inventoried and shown on the plan. The inventory shall show approximate location, elevation, species and relative health of each significant existing tree.
- (3) The extent of the existing tree canopy area from individual trees, tree masses and woodlands on-site, and the approximate extent of the existing tree canopy from individual trees, tree masses and woodlands within 25 feet of proposed construction off-site, shall be shown.
- (4) Existing trees, tree masses and woodland areas shall be designated either to remain or to be removed on the landscape plan and soil erosion control plan. [Amended 6-24-2002 by Ord. No. 2006-02]

B. Minimize removal of existing trees. [Amended 6-24-2002 by Ord. No. 2006-02]

- (1) It shall be incumbent on the applicant to prove that removal of existing significant trees is minimized given the allowed development. If challenged by the Department of Public Works or its designee the professional Landscape Architect, the applicant shall produce evidence such as testimony, written documents or plans certified by a landscape architect, arborist, or other qualified professional showing that no reasonable alternative layouts are possible and that no reasonable alternative clearing or grading plan would reduce the loss of significant existing trees given the proposed development.
- (2) No more than 60% of the overall existing tree canopy area in the area of development, as defined herein, shall be removed. Existing tree canopy comprised of the 40% minimum canopy area to be retained, plus any significant existing trees that may be in addition to the 40% minimum canopy area, shall be noted for preservation. The predevelopment and post development tree canopy areas shall be noted on the landscape plan.
- (3) In addition, no more than 10% of the significant existing trees, as defined herein, within the area of development shall be removed unless the applicant shall replace trees in accordance with Table 1[1] herein. A schedule showing the quantities of significant existing trees to be removed and replacement trees shall be shown on the landscape plan. For wooded areas, tree replacement will be based on the forest survey projection of average trees per acre.  
[1] Editor's Note: Table 1 is included in § 160-6A.
- (4) Any tree, tree mass, woodland area, or other plants may be considered to remain only if either of the following criteria are met:
  - (a) The tree, tree mass, woodland area or other plants designated to remain appear in relative good health, the driplines are at least one foot from any proposed grading, construction of any kind, including installation of utilities, and the plant(s) do not obstruct any sight triangles, and do not by their apparent health, natural habit or location pose an undue threat to the general health, safety or welfare of the community; or
  - (b) Within the drip line area or within one foot of the dripline, grading and installation of utilities, driveways, parking areas and sidewalks may occur, provided that the applicant's landscape architect, arborist, engineer or other qualified professional provides testimony and/or a drawing that by using innovative techniques the existing tree, tree mass, or woodland area proposed to remain will not be severely injured by the proposed development.

**§ 160-5 Protection of preserved vegetation and root zones from construction.**

- A. Vegetation designated to remain shall be protected by a temporary fence at least four feet in height, such as a wooden snow fence or orange construction fence.
- B. The location of this fence shall be shown on the soil erosion control plan, demolition plan (if applicable), grading plan and the landscape plan.
- C. The fence shall be placed a minimum of one foot outside the dripline of the protected vegetation, or closer if Subsection B(4)(b) above is applicable, but no closer than six feet to the trunk. Chain link fencing may be required for vegetation protection if warranted by site conditions and/or rarity of the vegetation.
- D. If a tree or area of existing vegetation is proposed to remain and is within the limit of disturbance, then the fence shall completely encircle the tree or vegetation.
- E. If the tree or area of existing vegetation is proposed to remain and is beyond the limit of disturbance, then the fence shall be placed between the vegetation and the construction.
- F. A detail of the fence shall be shown on the plan labeling materials, sizes, and placement. The detail shall note that there shall be no construction, grading, trenching, storing or stockpiling of materials, dumping, vehicular traffic or parking of any kind within the fenced area.
- G. The fence shall be erected prior to major clearing or construction and shall remain in place until construction is complete. This shall be noted in the construction sequence of the soil erosion control plan. The fence shall be placed to prevent construction, grading, trenching, storing or stockpiling of materials, dumping, vehicular traffic or parking of any kind within the fenced area. The fenced area shall be posted "TREE PROTECTION ZONE--KEEP OUT."
- H. Significant existing trees located off site and whose dripline is within 25 feet of any proposed construction activities shall be protected by the fence when required by the Department of Community Development.
- I. Removal of the fence, or disturbance within the fenced area, except as noted below shall be subject to penalties outlined in § 180-116.
- (1) The fence may be removed and construction or removal of vegetation performed if there is an imminent threat to the health, safety and welfare of the community. The Department of Community Development will be notified as soon as possible if this is required.
  - (2) The Department of Community Development has been given a written explanation of the need for construction or vegetation removal within the fenced area and has issued a letter of consent. When work within the dripline is necessary the following is to be adhered to:
    - (a) The grade of the land located within the driplines shall not be raised or lowered.
    - (b) No construction, grading, trenching, storing or stockpiling of materials, dumping, vehicular traffic or parking of any kind shall be permitted within the dripline or within six feet of any remaining trees, whichever is greater.
    - (c) Any clearing within the dripline, or within six feet of the trunk of a remaining tree, whichever is greater, shall be done by hand-operated equipment.
  - (3) Remedies for damage done within the tree protection zone shall include aeration, mulching, and if necessary, tree or plant replacement as determined by the Department of Community Development depending on the amount of damage done.
  - (4) Any significant existing tree which is seriously injured or removed without proper approvals from the affected areas, shall be replaced to the satisfaction of the Department of Community Development according to Table 1 below.[Amended 6-24-2002 by Ord. No. 2006-02]
- J. Resource conservation standards for site preparation and cleanup.

[Added 9-22-2008 by Ord. No. 22-2008]

- (1) Protection of vegetation from mechanical injury. Where earthwork, grading, or construction activities will take place in or adjacent to woodlands, old fields or other significant vegetation or site features, the Planning Board shall require that the limit of disturbance be delineated and vegetation protected through installation of temporary fencing or other approved measures. Such fencing shall be installed prior to commencing of and shall be maintained throughout the period of construction activity.
- (2) Protection of vegetation from grading change. Grade changes to occur at any location of the property shall not result in an alteration to soil or drainage conditions which would adversely affect existing vegetation to be retained following site disturbance, unless adequate provisions are made to protect such vegetation and its root systems.
- (3) Protection of vegetation from excavations.
  - (a) When digging trenches for utility lines or similar uses, disturbances to the root zones of all woody vegetation shall be minimized.
  - (b) If trenches must be excavated in the root zone, all disturbed roots shall be cut as cleanly as possible. The trench shall be backfilled as quickly as possible and the area shall be revegetated with native species if the plants are destroyed.
- (4) Protection of topsoil.
  - (a) No topsoil shall be removed from the site.
  - (b) Prior to grading operations or excavation, topsoil in the area to be disturbed shall be removed and stored on site.
  - (c) Topsoil disturbed or moved on site shall be redistributed and stabilized immediately in primary and secondary conservation areas and within seven days in all other areas following the establishment of required grades for a project or project phase. All exposed earth surfaces shall be stabilized by hydroseeding on slopes of less than 10%, and by sodding, hydroseeding, or rip-rap on slopes exceeding 10%.
  - (d) Grading and earthmoving operations shall be scheduled to minimize site disturbance during the period from November 1 to April 1, when revegetation of exposed ground is difficult.

**§ 160-6 Replacement trees.**

A. Trees on property that require Land Development Approval - Table 1.

The # of Replacement Trees shown below are for Trees on property that require Land Development Approval for which a permit has been issued.

<b>DBH of Removed Tree (Inches)</b>	<b>Number of Replacements</b>
12 to 18	1
Greater than 18 to 24	2
Greater than 24 to 30	3
Greater than 30 to 36	4
Greater than 36 to 40	5
Greater than 40	7

B. Township Trees - Table 2

The # of Replacement Trees shown below are for Township Trees for which a permit has been issued. Due to the added benefits to the community as a whole, a smaller DBH Range for Township Trees is reasonable and necessary.

<u>DBH Range</u>	<u># of Replacements</u>
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Inches

<u>2.5-5</u>	<u>1 Tree</u>
<u>6-12</u>	<u>2 Trees</u>
<u>13-18</u>	<u>3 Trees</u>
<u>19-24</u>	<u>4 Trees</u>
<u>25-36</u>	<u>5 Trees</u>
<u>37-45</u>	<u>6 Trees</u>
<u>46 +</u>	<u>7 Trees</u>

C. Replacement trees shall be nursery grown and comply to the AAN standards for nursery stock. Caliper shall be 1.75 inches to 2.5 inches.

D. Replacement trees may used anywhere on site, unless explicitly prohibited by law. However, the provisions of this Chapter do not supersede an applicant’s responsibility(ies) for “street trees,” as set forth and required under § 158-26(B) & (C). The following may be considered as replacement trees, subject to approval by the Department of Public Works or its designee:

- (1) Trees planted to meet requirements of other provisions (e.g., in buffer areas) of the Code of the Township of Moorestown.
- (2) Trees planted as part of a reforestation plan for previously cleared areas of the site.
- (3) Trees planted in a bioretention stormwater management basin.

E. If the required replacement trees cannot be planted on the site because of practical physical difficulties or environmental constraints, a fee in lieu of tree replacement may be contributed into the tree bank in accordance with § 160-8B-.

**§ 160-7 Transplanting existing trees and shrubs.**

Existing trees and shrubs on a site may be transplanted and used to fulfill other planting requirements such as buffers or street trees, if the following requirements are met:

- A. The tree or shrub meets the minimum standards required for that particular landscape requirement.
- B. The tree or shrub conforms to the minimum requirements for that species as outlined in the AAN standards for nursery stock.
- C. The tree or shrub will be transplanted when dormant if deciduous, or during the spring for evergreens, and shall be replanted and thoroughly watered within 24 hours of digging.
- D. A performance guarantee shall be submitted to guarantee survival of the transplanted material for three full growing seasons.

E. All planting, transplanting, or any action affecting a Township Tree, after obtaining the appropriate permit, shall meet and comply with the following standards.

- 1) All nursery stock used for planting on Township Property shall comply with ANSI Z-60.1 – as amended American Standard for Nursery Stock.
- 2) All Township Tree transplanting shall comply with ANSI A300 (Part 6) 2012 Planting and Transplanting.
- 3) All Township Tree trimming shall conform to ANSI A300 (Part I) 2008 Pruning.



### **§ 160-8 Tree replacement alternatives.**

A. All required replacement trees shall be planted on the site from which the trees were removed. Relief from any portion or all of the on-site tree replacement requirement may be granted by the Department of Public Works or its designee. Any relief shall be based upon practical physical difficulties, environmental constraints, and undue hardship related to conditions of the site from which the trees are to be removed. The Department of Public Works or its designee shall solicit the comments and recommendations of the Township Engineer and landscape consultant in determining whether the relief requested by the applicant should be granted.

B. In lieu of planting replacement trees, the applicant may be permitted to make a monetary contribution to the tree bank. The amount of the contribution shall be \$350 for each tree required for each replacement tree in accordance with § 160-6 TABLES 1 & 2 [1] herein, and shall be submitted to the Department of Public Works or its designee prior to cutting any trees or the issuance of a zoning permit, whichever occurs first. [1] Editor's Note: Tables 1 & 2 are included in § 160-6A & 160-6B.

C. The cost of replacement trees shall not exceed 5% of the project cost (including but not limited to buildings, structures and site improvements), as determined by the Township Engineer. For determining the cost of replacement trees, the actual replacement cost or \$350 per tree, whichever is less, shall be used. All costs shall be adjusted every three years after in accordance with the Federally regulated cost of living index.

D. All funds collected from an applicant as a contribution in lieu of replanting trees shall be deposited in a dedicated account clearly designated as the Moorestown Township Tree Bank. All funds so deposited shall be used exclusively for the planting or maintenance of trees. This bank may be used to plant trees on public property and rights-of-way, including but not limited to public parks, public schools and public buildings. A quarterly report, detailing the expenditure of any of the funds, shall be submitted to the Township Council by the Chief Financial Officer.

### **§ 160-9 Permit approval.**

A. A tree removal permit is required from the Department of Public Works or its designee for removal of any significant existing tree as regulated in this chapter. Review and issuance of said permit shall be based on the standards in § 160-4 through § 160-8 above. [Amended 6-24-2002 by Ord. No. 2006-02]

B. Where the permit application is submitted as part of an application for development, the time for decision on the application shall be governed by the requirements applicable under N.J.S.A. 40:55D-1 et seq.

C. Where the permit application is not submitted as part of an application for development, a decision on the application shall be made within 60 days of the receipt of a complete application, or within such additional time as is agreed to by the applicant.

D. No action shall be taken on any significant existing tree until written authorization is received from the Department of Public Works or its designee and a Permit issued. If permission is granted to remove said tree, the property owner may be responsible for a Tree Replacement in addition to paying for the cost of removing the permitted tree. (e.g. removing a perfectly good tree to install a driveway.) See 160-6A & B for Tree Replacement Tables.

### **§ 160-9.1 Fees**

A. A \$25 Administrative Fee will be required upon issuance of a permit for the above approvals.

B. All fees collected for Tree Assessment Replacement, will be collected by the Department of Public Works or its designee, deposited into the Tree Bank account and maintained by the Township Finance office.

**§ 160-10 Duration of permits.**

A. If granted for a lot or parcel of land for which no building permit is required, the tree removal permit shall be valid for one year from the date of issuance.

B. If granted for a lot or parcel of land for which a building permit is required, but for which no approval is required from the Department of Public Works or its designee, the tree removal permit shall be valid until an expiration of the building permit.

C. If granted for a lot or parcel of land for which an approval is required from the Department of Public Works or its designee, the tree removal permit shall be valid for as long as the approval is valid pursuant to N.J.S.A. 40:55D-1 et seq.

D. Once a tree removal permit expires, a new application must be submitted for review and new permit issued.

**§ 160-11 Exemptions.**

The following shall be exempt from this chapter:

A. All lot owners, on properties that require land development approval, may remove two significant Privately Owned Trees per year per acre of the lot.  
[Amended 6-24-2002 by Ord. No. 2006-02]

B. Lots containing single-family or two-family dwellings and vacant lots zoned for same, where the lot area is less than twice the required minimum lot area for the zone in which the lot is located.

C. Trees directed to be removed by municipal, county, state or federal authority pursuant to law.

D. Removal of trees which are dead, dying or diseased, trees which have suffered damage or any tree whose angle of growth makes it a hazard to structures, roads or human life.

E. Removal of trees which are causing structural damage to buildings, foundations of structures, or public water and/or sewer infrastructure.

F. Pruning of or removal of trees within the right-of-way by utility companies for maintenance of utility wires or pipelines, ~~and~~ the pruning of trees within sight easements, and Township trees which are obstructing the sidewalk.

G. Developments that have received preliminary or final approval within three years prior to the effective date of this chapter, unless a substantial change in the development occurs requiring a revised preliminary approval.

H. Tree nurseries, orchards and properties with a state-approved forest management plan.

I. Cemeteries.

**§ 160-12 Violations and penalties.**

A. Any person that shall violate any provision of this chapter or do any act or thing therein prohibited or refuse or fail to do any act or thing therein required to be done or refuse or fail to comply with an order of the Department of Public Works or its designee, shall, upon conviction thereof before any judicial officer authorized to hear and determine the matter, forfeit and pay such fine not exceeding the sum of \$1,500 as shall be imposed by such judicial officer in his discretion and if the party so convicted is a natural person, shall be sentenced to perform a maximum of 90 hours of community service or both, as in his discretion, shall be determined, not exceeding the maximum limits hereinbefore fixed.

In addition to the above, the violator may also be required to bear the costs of correcting such violation(s) in accordance with N.J.S.A. 40:64-12. Condition, location and variety of trees removed shall aid in the determination.

B. Every day such violation continues or is permitted to continue shall constitute a separate and independent violation of this chapter.

Language with a ~~strike through~~ shall be deleted.  
Language with an underline shall be added.

#### NOTICE

The ordinance published herewith was introduced and passed upon first reading at a meeting of the Township Council of the Township of Moorestown, County of Burlington, State of New Jersey, held on April 9, 2018. This ordinance will be further considered for final passage by the Township Council at a meeting to be held in the Council Chamber of the Municipal Complex, 111 West Second Street, Moorestown, NJ on April 23, 2018 at 7:30 pm or at any time and place to which such meeting may be adjourned. All persons interested will be given the opportunity to be heard concerning such ordinance. During the week prior to and including the date of such further consideration, copies will be made available at the Municipal Clerk's Office to any member of the general public who shall request such copies.

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Vicki M. Gough, RMC  
Deputy Township Clerk