

TOWNSHIP OF MOORESTOWN

ORDINANCE NO. 13-2024

**AMENDING CHAPTER 160 ENTITLED
“PRESERVATION AND RESTORATION OF EXISTING VEGETATION”
OF THE CODE OF THE TOWNSHIP OF MOORESTOWN
TO MAKE THE ORDINANCE LANGUAGE CONSISTENT WITH STATE
REQUIREMENTS**

WHEREAS, as part of the MS4 Tier A permit stormwater requirements, the New Jersey Department of Environmental Protection (NJDEP) requires municipalities to adopt an ordinance in conformance with its model ordinance regulating the removal and replacement of trees on all privately-owned properties; and

WHEREAS, the NJDEP has reviewed the Township’s ordinance and has found same to be in substantial conformance with its “model ordinance” with one exception; and

WHEREAS, the Director of Community Development has recommended that Chapter 160, Section 11 be amended as recommended by the NJDEP.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Moorestown, in the County of Burlington, State of New Jersey, that Chapter 160 entitled “Preservation and Restoration of Existing Vegetation” be amended, as follows:

Section 1. Section 160-11 Exemptions shall be amended to delete Paragraph B and replace same as follows:

~~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 areas for the zoning in which the lot is located.~~

B. Residents who remove less than four (4) trees per acre that have a DBH of 36” or less within a five-year period. The number of trees is a rolling count across a five-year period.

Section 2. Repealer. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency only.

Section 3. Severability. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance which shall continue in full force and effect, and to this end the provisions of this Ordinance are hereby declared to be severable.

Section 5. Effective Date. This ordinance shall become effective 20 days after passage.

Section 6. Short Title. This Ordinance shall be known as Ordinance 13-2024.

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 May 13, 2024. This ordinance will be further considered for final passage by the Township Council, after a public hearing thereon, at a meeting to be held at 111 West Second Street, Moorestown, NJ on June 10, 2024 at 7:00 pm or at any date, time and place to which such meeting may be adjourned. For those attending virtually or telephonically, the agenda for said meeting will provide instructions for public participation; all persons interested will be given the opportunity to be heard concerning such ordinance. The ordinance may be viewed in full on the Township's website at www.moorestown.nj.us. In addition, during the week prior to and including the date of such further consideration, copies will be available from the Municipal Clerk's Office to any member of the general public who shall request such copies.

Patricia L. Hunt, RMC
Township Clerk

TOWNSHIP COUNCIL AGENDA REPORT

Meeting Date: May 13, 2024

Subject: Tree Removal/Replacement Ordinance

Submitted by: Damian J Gil, Community Development

RECOMMENDATION

Introduction of ordinance amending Chapter 160, “Preservation and Restoration of Existing Vegetation”

PREVIOUS ACTION

N/A

BACKGROUND

The Department of Environmental Protection (DEP) sent a letter mandating certain requirements for ordinance adoption and/or revisions pursuant to our MS4 Stormwater Management permit. Our existing ordinance was mostly conforming. However, one exemption was identified that DEP rejected as too broad for single- and two-family properties. The exemption proposed provides a very slight and narrower exemption that closely resembles our existing ordinance and in, our opinion, is minimally impactful to our residents.

FISCAL IMPACT

N/A – There is no fiscal impact to the municipal budget.

CONCURRENCES

FOLLOW UP

Once adopted, a copy of the ordinance will be forwarded to D.E.P.