

TOWNSHIP OF FLORENCE

ORDINANCE 2026-01

AN ORDINANCE OF THE TOWNSHIP OF FLORENCE AMENDING CHAPTER 132 OF THE TOWNSHIP CODE ENTITLED TREES

WHEREAS, the New Jersey Department of Environmental Protection amended regulations related to stormwater management for all communities in the State of New Jersey; and

WHEREAS, said regulations require that municipalities implement ordinances related to the removal and replacement of trees on all lands in the municipality; and

WHEREAS, the Florence Township Shade Tree Commission, working in conjunction with the Stormwater Management Coordinator and representatives from the Township Engineers Office, have developed this ordinance amending Chapter 132 of the Code of the Township of Florence in order to comply with NJDEP regulations.

NOW THEREFORE, BE IT ORDAINED by the Township Council of the Township of Florence, in the County of Burlington, New Jersey as follows:

SECTION 1: Chapter 132 of the Code of the Township of Florence is amended in its entirety to read as enumerated as follows:

132-1 Definitions

For the purpose of this chapter, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this chapter clearly demonstrates a different meaning. When consistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The use of the word "shall" mean the requirement is always mandatory and not merely directory.

Applicant: any "person", as defined below, who applies for approval to perform work involving the removal, planting, or trimming of trees regulated under this chapter.

Basal Area: the cross-sectional area of a tree's trunk at Diameter at Breast Height (DBH) (4.5 feet above the ground), typically measured in square feet. To calculate individual tree basal area, use the formula:

$$BA = 0.005454 \times DBH^2$$

- BA: basal area in square feet
- DBH: is the tree's diameter at breast height, measured in inches.
- The constant 0.005454 adjusts the squared diameter in inches to square feet, converting to the area of a circle with diameter DBH.

Example: a Slippery elm tree has a DBH of 17.4 inches.
 $(17.4 \text{ inches})^2 \times 0.005454 = 1.65 \text{ square feet of Basal Area}$

Caliper: measurement of the trunk diameter of nursery stock taken at six inches above the ground up to and including the four-inch caliper size. If caliper at six inches height is greater than four inches, caliper should be measured at 12 inches above the ground.

Canopy: the foliage-bearing portion of a tree.

Critical Root Radius (CRR): means the radius around the base of a tree where the preponderance of the root system is found. This radius corresponds to a ratio of 1:18 for the DBH to radius, so that for every inch of DBH, 1.5 feet (18 inches) should be added to the radius.

Example: a Common persimmon tree with a 6" DBH: 6 inches \times 1.5 feet per inch = 9 foot Critical Root Radius.

Crown: the top part of the canopy of the tree.

Diameter at Breast Height (DBH): means the diameter of the trunk of a tree measured at a point four and a half feet above ground level, on the uphill side if the ground is uneven. For special situations, including but not limited to low forking, trunk swell, leaning tree, or missing stem portions, diameter should follow the USDA Forest Service's Forest Inventory and Analysis National Core Field Guide for the Nationwide Forest Inventory, version 9.4 or more recent.

Forest: is a land cover extending over ½ acre in size occupied with trees as defined below, where vegetative cover is at least 10% of live tree species or equivalent stocking, including land that formerly had such tree cover and that, barring interference, will naturally regenerate into tree species.

Hazard Tree: a tree or tree part thereof that meet one or more of the criteria below. Trees that do not meet any of the criteria below and are proposed to be removed solely for development purposes are not hazard trees.

1. Has an infectious disease or insect infestation;
2. Is dead or dying;
3. Obstructs the view of traffic signs or the free passage of pedestrians or vehicles, where pruning attempts are impractical or ineffective;
4. Is causing obvious damage to structures (such as building foundations, sidewalks, etc.); or
5. Is determined to be a threat to public health, safety, and/or welfare by a certified arborist, Licensed Tree Expert (LTE), Shade Tree Commission or its designated representative.

Historic Tree: A tree which has been determined to be of notable historic interest and value to the Township of Florence because of its significant association with important history of the community which has been do designated by the Florence Township Council upon the recommendation of the Florence Township Historic Commission.

Leader: the vertical stem at the top of the trunk.

Ornamental Tree: A tree having prolific flowers, unusual structure, or character, where the species or variety has been designated as ornamental by the Shade Tree Commission.

Person: any individual, resident, corporation, utility, company, partnership, firm, or association.

Planting Easement: the part of a street right-of-way between the public right-of-way and the portion of the street reserved for vehicular traffic or between the abutting property line and the curb or traveled portion of the street, exclusive of any sidewalk.

Private Property: as used in this chapter shall mean the real estate lands, structures, and features located on privately-owned land.

Prune: cutting or removing from a tree any live branching structures in the crown, trunk, or root areas.

Public Rights of Way: is the strip of land along public roads and waterways, including roads, sidewalks, and utility areas, that allows government to maintain infrastructure, widen roads, or install utilities, extending beyond the pavement edge, often to the curb or property line.

Rare Tree: a tree of special character or quality so designated by the Shade Tree Commission.

Replacement tree: a nursery grown-tree marked with durable label indicating genus, species, and variety.

Resident: an individual whose primary residence is the residential property where a tree(s) regulated by this chapter is proposed to be removed.

Roots: the below-ground structural portion of the tree that provides anchorage, gathers nutrients, water, and air.

Street: Any road, avenue, street, boulevard, highway, or other purposefully-surfaced conveyance dedicated to shared common use, whether or not it has been formally accepted by the Township of Florence.

Street Tree: a tree planted in the sidewalk planting easement and/or in the public right-of-way adjacent to or within fifteen feet (15') of the portion of the street reserved for vehicular traffic. This also includes trees planted in planting strips within the roadway right-of-way, such as islands, medians, pedestrian refuge areas, and similar features.

Topping: cutting or removing the leader of a tree in such a way as to disfigure the canopy, resulting in stunted or abnormal growth; often the product of heading cuts.

Tree: any individual of a species of upright, perennial, woody plant that is capable of growing to a height over 16.4 feet at maturity, with a stem that is capable of achieving a diameter of at least three (3) inches in DBH.

Tree Fund: a fund established by the Township Council to receive and disburse replacement tree contributions and used for the sole purpose of purchasing, planting, or maintaining trees within the Township. Appropriations to the Tree Fund shall be authorized by the Township Council annually upon recommendations from the Shade Tree Commission and Township Administrator.

Tree Removal: any action that causes the decline and or death of a tree as a result of the action.

Trunk: stem and main wooden axis of a tree.

132-2 Street trees.

No species other than those recommended by the Shade Tree Commission as provided for herein in Appendix "A" may be planted between property lines on either side of all streets, avenues or ways within the township, which species are hereinafter referred to as "street trees," without approval of the Florence Township Shade Tree Commission.

- a. The spacing of street trees will be in accordance with the Tree Master Plan.
- b. The distance of street trees from the curb and sidewalks will be in accordance with the Tree Master Plan.
- c. The distance of street trees from street corners and fire hydrants will be in accordance with the Tree Master Plan.
- d. The distance of street trees from utilities will be in accordance with the Tree Master Plan.

132-3 Planting, pruning and removal by township.

Florence Township shall have the exclusive right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, land, squares and public grounds as may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of such public grounds. The Shade Tree Commission may remove or order to be removed any tree or part thereof which is in an unsafe condition or which, by reason of its nature, is injurious to sewers, electric power lines, gas lines, waterlines or other public improvements or is affected with any injurious fungus, insect or other pest. This section does not prohibit the planting of street trees by any property owners, provided that the selection and location of said trees is in accordance with § 132-2.

132-4 Topping Restricted

It shall be unlawful as a normal practice for any person, firm or township department to top any street tree, park tree or other tree on public property. "Topping" is defined as the severe cutting back of limbs to stubs larger than three (3) inches in diameter within the tree's crown to such a degree as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this provision at the discretion of the Shade Tree Commission.

132-5 Trees Overhanging Rights of Way

Every owner of any tree overhanging any street or right-of-way within Florence Township shall prune the branches so that such branches shall not obstruct the light from any streetlamp or obstruct the view of any street intersection and so that there shall be a clear space of twelve (12) feet above the roadway and eight (8) feet above the walkway. Said owners shall remove all dead, diseased or dangerous trees or broken or decayed limbs which constitute a menace to the safety of the public. Florence Township shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a streetlight or interferes with visibility of any traffic control device or sign.

132-6 Removal of dead or diseased trees by township; costs.

Florence Township shall have the right to cause the removal of any dead or diseased trees on private property within Florence Township when such trees constitute a hazard to life and property or harbor insects or disease which constitutes a potential threat to other trees within Florence Township. The Shade Tree Commission will notify, in writing, the owners of such trees. Removal of a tree or portion thereof which constitutes a hazard to life and property shall be done by said owners at their own expense within fifteen (15) days after the date of service of notice by certified mail with return receipt or by personal service directly to the owner. In the event of failure of owners to comply with such provisions, Florence Township shall have the authority to remove such trees and place a lien against the owner's property.

132-7 Removal of stumps.

All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

132-8 Interference with township employees unlawful.

It shall be unlawful for any person to prevent, delay or interfere with the Shade Tree Commission or any of its agents or agents or employees of the township while engaging in and about the planting, cultivating, mulching, pruning, spraying or removing of any street trees, park trees or trees on private grounds as authorized within this chapter.

132-9 Review of Shade Tree Commission's decisions.

The Township Council shall have the right to review the conduct, acts and decisions of the Shade Tree Commission. Any person may appeal from any ruling or order of the Shade Tree Commission to the Township Council, which may hear the matter and make a final decision.

132-10 Tree Removal

It shall be unlawful for any person, firm, corporation, or organization to remove, cut, trim, or top any publicly-owned tree or tree located within fifteen (15) feet of the curbline of any public street without having first obtained a permit to do so from the Shade Tree Commission or its designee. Any person planning to remove a tree on public property, a street tree, or trees on private property under certain circumstances shall submit a Tree Removal Application to the Florence Township Shade Tree Commission. No tree(s) shall be permitted to be removed until the Commission or its representative has reviewed and approved such removal.

A. Application Process

Any person planning to remove a street tree(s), as defined in tree removal, with a DBH at least 2.5 inches or any non-street tree with a DBH at least 10 inches on private property shall submit a Tree Removal Application to the Florence Township Shade Tree Commission. No tree(s) shall be permitted to be removed until the Shade Tree Commission or a liaison to the Shade Tree Commission has reviewed and approved the removal.

132-11 Tree Replacement

1. Requirements for tree replacements unless exempted as below:

- a. Any person removing at least ½ acre of forest must, on a per-area basis, replace the removed forest in accordance with the replacement rates of trees per area specified in the No Net Loss Compensatory Reforestation Act (NJSA 13:1L-14.1 et seq.);
- b. Any person removing a tree on public property or a street tree shall replace the tree following the Replacement Tree Standards;
- c. Any person who removes a tree(s) on private property shall replace the tree(s) following the Replacement Tree Standards;

2. Exemptions:

- a. Hazard trees;
- b. Residents who remove less than 22.0 square feet of Basal Area totaled within any *contiguous* rolling five-year period;
- c. Farms in active operation, nurseries, fruit orchards, and garden centers;
- d. Properties being managed under an approved forest stewardship or woodland management plan that is active and on file with the municipality;
- e. Properties under farmland or woodland preservation;
- f. Part of municipal or state decommissioning plan;
- g. Part of game management practices approved by NJ Fish and Wildlife;
- h. Invasive tree species recognized by the Shade Tree Commission, including *but not limited to*:
 - i. *Ailanthus altissima* (tree of heaven),
 - ii. *Paulownia tomentosa* (princess tree),
 - iii. *Pyrus calleryana* (Bradford pear);

3. Replacement Tree Standards

a. Trees must be replaced on a per-tree basis so that a specified proportion of the removed Basal Area is recovered. For the purposes of replacing amounts of BA, DBH of the tree to be removed shall be measured to the nearest tenth of an inch. BA will then be calculated by rounding down to the nearest inch of diameter;

b. Replacement stock for removed trees does not need to be entirely in one size or material category, but applicants must demonstrate how plantings will restore the requisite amount of BA;

c. Replacement stock must be of species native to eastern North America unless otherwise approved by Shade Tree Commission;

d. Replacement trees must be planted withing twelve (12) months of the date of removal of the original tree(s) or at an alternate date approved by the Shade Tree Commission. Replanting shall occur during an appropriate planting season to ensure survival of replacement material;

e. Replacement trees must be planted into natural or engineered soil as part of the regular soil surface. Trees planted in temporary, removable, or mobile containers do not count towards replacement requirements;

Tree Replacement Table

Removed Tree		Replacement Requirements							
DBH (inches)	Basal Area (ft ²)	Replacement Rate (% of BA)	Minimum Replacement BA Needed (ft ²)	# of trees required if replacement tree caliper is:					
				0.5"	1.0"	1.5"	2.0"	2.5"	3.0"
1	0.01	1.00%	0.0001	1	1	1	1	1	1
2	0.02	1.00%	0.0002	1	1	1	1	1	1
3	0.05	1.00%	0.0005	1	1	1	1	1	1
4	0.09	1.00%	0.0009	1	1	1	1	1	1
5	0.14	1.00%	0.0014	1	1	1	1	1	1
6	0.20	1.00%	0.0020	2	1	1	1	1	1
7	0.27	1.00%	0.0027	2	1	1	1	1	1
8	0.35	1.00%	0.0035	3	1	1	1	1	1
9	0.44	1.00%	0.0044	4	1	1	1	1	1
10	0.55	1.00%	0.0055	4	1	1	1	1	1
11	0.66	1.00%	0.0066	5	2	1	1	1	1
12	0.79	1.00%	0.0079	6	2	1	1	1	1
13	0.92	1.05%	0.0097	8	2	1	1	1	1
14	1.07	1.10%	0.0118	9	3	1	1	1	1
15	1.23	1.15%	0.0141	11	3	2	1	1	1
16	1.40	1.20%	0.0168	13	4	2	1	1	1
17	1.58	1.25%	0.0197	15	4	2	1	1	1
18	1.77	1.30%	0.0230	17	5	2	2	1	1
19	1.97	1.35%	0.0266	20	5	3	2	1	1
20	2.18	1.40%	0.0305	23	6	3	2	1	1
21	2.41	1.45%	0.0349	26	7	3	2	2	1
22	2.64	1.50%	0.0396	30	8	4	2	2	1

23	2.89	1.55%	0.0447	33	9	4	3	2	1
24	3.14	1.60%	0.0503	37	10	5	3	2	2
25	3.41	1.65%	0.0562	42	11	5	3	2	2
26	3.69	1.70%	0.0627	46	12	6	3	2	2
27	3.98	1.75%	0.0696	52	13	6	4	3	2
28	4.28	1.80%	0.0770	57	15	7	4	3	2
29	4.59	1.85%	0.0849	63	16	7	4	3	2
30	4.91	1.90%	0.0933	69	18	8	5	3	2
31	5.24	1.95%	0.1022	75	19	9	5	3	3
32	5.59	2.00%	0.1117	82	21	10	6	4	3
33	5.94	2.05%	0.1218	90	23	10	6	4	3
34	6.31	2.10%	0.1324	98	25	11	7	4	3
35	6.68	2.15%	0.1436	106	27	12	7	5	3
36	7.07	2.20%	0.1555	115	29	13	8	5	4
37	7.47	2.25%	0.1680	124	31	14	8	5	4
38	7.88	2.30%	0.1811	133	34	15	9	6	4
39	8.30	2.35%	0.1950	143	36	16	9	6	4
40	8.73	2.40%	0.2094	154	39	18	10	7	5
41	9.17	2.45%	0.2246	165	42	19	11	7	5
42	9.62	2.50%	0.2405	177	45	20	12	8	5
43	10.08	2.55%	0.2572	189	48	21	12	8	6
44	10.56	2.60%	0.2745	202	51	23	13	9	6
45	11.04	2.65%	0.2927	215	54	24	14	9	6
46	11.54	2.70%	0.3116	229	58	26	15	10	7
47	12.05	2.75%	0.3313	243	61	27	16	10	7
48	12.57	2.80%	0.3519	259	65	29	17	11	8
49	13.10	2.85%	0.3732	274	69	31	18	11	8
≥50	13.64	2.90%	0.3954	290	73	33	19	12	9

4. Replacement Alternatives

If the applicant elects to, or if the Shade Tree Commission determines that some or all of the required replacement trees cannot be planted on the property where the tree removal activity occurred, then the applicant shall do one of the following:

- a. Plant replacement trees in separate area(s) of the township as approved by the Shade Tree Commission;
- b. Pay an in-lieu-of fee per tree removed to the Tree Fund. This fee shall be placed into a fund dedicated to tree planting, and the continued management and maintenance of municipal trees. The payment in-lieu-of fee shall be proportional to the 1.0" replacement tree caliper column in the Tree Replacement Table, at a rate of **\$200** for each 1.0" caliper replacement tree. For example, if a 15" DBH tree is removed, the replacement table requires three (3) replacement trees of 1.0" caliper, so the payment-in-lieu-of fee would be $3 \times \$200 = \600 .

132-12 Enforcement

This chapter shall be enforced as part of the ordinary enforcement duties of the Zoning Officer, Property Maintenance Officer, Code Official, or other officials as may be appointed to fulfill the requirements of this or other sections of the Code of the Township of Florence from time-to-time.

132-13 Violations and penalties

Any person(s) who is found to be in violation of the provisions of this chapter shall be subject to a fine of the total of the replacement tree costs as determined by the township plus 25%, not to exceed a total of one thousand dollars (\$1,000) or imprisonment for a term not to exceed ninety (90) days or a period of community service not to exceed ninety (90) days, or any combination thereof, for each offense.

132-14 Applicability

Any term or provision of this section that contemplates, directs, regulates or prohibits the doing of any act may, in applicable cases and where the context so requires, be construed to include the causing, allowing, permitting or suffering of such act to be done by others under the direction, control or supervision of the person charged therewith. Every such act shall be deemed to be within the scope of this section, regardless of whether it is a deliberate, intentional or purposeful act, or a careless, negligent or unintentional act.

SECTION 2: Any and all other Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.

SECTION 3: Severability. In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the Township Council hereby declares its intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the Township to meet the goals of the Ordinance.

SECTION 4: Effective Date. This Ordinance shall take effect upon proper passage in accordance with the law.

Nancy Erlston, RMC
Township Clerk

Joseph B. Frappolli,
Council President

TOWNSHIP OF FLORENCE

ORDINANCE 2026-01

**AN ORDINANCE OF THE TOWNSHIP OF FLORENCE AMENDING
CHAPTER 132 OF THE TOWNSHIP CODE ENTITLED TREES**

Take Notice that the Ordinance amending Chapter 132 of the Township Code entitled “Trees” has been adopted on first reading by the Township Council of the Township of Florence, County of Burlington, State of New Jersey, at a meeting held on January 21, 2026. It will be considered for final passage after public hearing to be held on February 11, 2026 at 7:00 p.m. in the Municipal Complex, Council Chambers, 711 Broad Street, Florence, New Jersey.

Copies of the full Ordinance are on file with the Township Clerk of the Township of Florence in the Municipal Complex. The ordinance is posted on the township’s website www.florence-nj.gov

Nancy L. Erlston, RMC
Township Clerk