**ESTELL MANOR, NJ**

**ORDINANCE #15-2024**

**AN ORDINANCE AMENDING Chapter 357, TREES OF THE CODE OF the City of estell manor, COUNTY OF atlantic AND STATE OF NEW JERSEY**

**WHEREAS**, the City of Estell Manor recognizes that trees play a critical, often overlooked, role in the water cycle and in the mitigation of stormwater runoff issues such as soil erosion, pollutant reduction, infiltration, quantity reduction, and thermal effects. This ordinance is intended to ensure that permittees are considering these undervalued assets in their stormwater management efforts.

**WHEREAS**, the City of Estell Manor desires to adopt an ordinance amending Chapter 357 of the Revised General Ordinances of the City of Estell Manor, also known as the Code of The City of Estell Manor, titled “Trees.”

**NOW, THEREFORE, BE IT ORDAINED** **BE IT ORDAINED** by the City Council of the City of Estell Manor, County of Atlantic and State of New Jersey, as follows:

**SECTION 1:** Chapter 357-5, Permitted activities, is hereby retitled and replaced in its entirety as follows:

**§357-5. Permit, Permitted activities and Tree Replacement**

1. A permit is required in addition to any requirements that are applicable pursuant to §357-7. No forestry shall be carried out by any person unless a permit for such activity has been issued by the City Zoning Officer.
2. Notwithstanding this requirement, no such permit shall be required for the following forestry activities:
	* 1. Owners of properties up to 1 acre may remove up to six (6) trees with a Diameter at Breast Height (“DBH”) of 8” or greater within a 12-month period. For each tree over six (6) trees removed, the property owner must plant one (1) tree with a minimum tree caliper of 1.5”.
		2. Owners of properties between 1 and 5 acres may remove up to fifteen (15) trees with a Diameter at Breast Height (“DBH”) of 8” or greater within a 12-month period. For each tree over the allowable number of trees removed, the property owner must plant one (1) tree with a minimum tree caliper of 1.5”.
		3. Owners of properties over 5 acres may remove up to seventy-five (75) trees with a Diameter at Breast Height (“DBH”) of 8” or greater within a 12-month period. For each tree over the allowable number of trees removed, the property owner must plant one (1) tree with a minimum tree caliper of 1.5”.
		4. Tree planting, provided that the area to be planted does not exceed five acres in any one year and no soil disturbance occurs other than that caused by the planting activity;
		5. Forest stand improvement designed to selectively thin trees and brush, provided that no clearing or soil disturbance occurs and that the total land area on the parcel in which the activity occurs does not exceed five acres in any one year;
		6. Prescribed burning and clearing and maintaining of fire breaks; and
		7. Removal of any dead, diseased or other tree that is likely to endanger life or property.

**SECTION 2:** All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

**SECTION 3:** If any section, subsection, sentence, clause, phrase of portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

**SECTION 4:** This ordinance shall take effect after second reading and publication as required by law and upon certification.

CITY COUNCIL OF

THE CITY OF ESTELL MANOR,

COUNTY OF ATLANTIC and ATTEST:

STATE OF NEW JERSEY

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Elizabeth Owen, Mayor Lisa Marcolongo, RMC, CMR

 City Clerk

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| **COUNCIL MEMBER** | **MOTION** | **YES** | **NO** | **ABSTAIN** | **ABSENT** |
| GIVENS | 2 | X |  |  |  |
| MASKER  |  |  |  |  | X |
| MADDOX |  | X |  |  |  |
| DILG | 1 | X |  |  |  |
| MAYOR OWEN  |  | X |  |  |  |

 ***FIRST READING:*  July 2, 2024**

 ***PUBLICATION:*  July 9, 2024**

 ***FINAL PASSAGE:*  August 6, 2024**

 ***PUBLICATION:* August 13, 2024**