

West Windsor Township

Department of Engineering and Community Development

FEE: \$25.00

TREE REMOVAL PERMIT APPLICATION

DATE: _____

LOT NUMBER: _____

BLOCK NUMBER: _____

OWNER: _____

ADDRESS: _____

PHONE NUMBER: _____

REASON (CODE): _____ (SEE ATTACHED)

Applicant is required to submit a site map **CLEARLY** showing the following information:

1. Location of tree (s)
2. Species of tree (s)
3. Diameter of tree (s)
4. Location of building or proposed construction

_____ APPROVED

_____ DENIED

DATE

TOWNSHIP LANDSCAPE ARCHITECT

DATE

MANAGER, DIVISION OF LAND USE

ISSUANCE OF PERMITS SHALL NOT BE APPROVED UNLESS ONE OR MORE OF THE FOLLOWING CONDITIONS IS FOUND TO EXIST:

1. The tree or trees in question are in areas to be occupied by buildings, driveways, recreation areas, streets or drainage, or underground utility easements as determined from plat maps for site construction as approved by the Township Planning Board.
2. The tree or trees are located within 15 feet of any of the aforesaid structures or are within utility easements.
3. The area requires an approved cut or fill of land deemed injurious or dangerous to the trees in question, and no alternative grading methods are available.
4. Presence of said tree shall in any way constitute a danger to the property owner or the public.
5. Other adequate and special reason within the intent of this Ordinance.

Clarifying Detailed Reason Code #'s and Notes

4x. - Tree(s) are dead and present a health or safety concern.

4d. - Tree(s) are declining and present a health or safety concern.

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5v. - Tree(s) present a safety concern that is related to visibility of traffic, pedestrians, signs or similar.

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Please note that tree(s) on commercial properties may be subject to site plan and/or ordinance approvals and standards and in-kind replacement on the same property may be necessary to maintain compliance.

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Specifications (species, size, and location) for replacement tree(s) should be included with this application.

§ 170-1. Definitions.

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

COMMERCIAL FARM — **[Added 2-27-2006 by Ord. No. 2006-02]**

- A. A farm management unit of no less than five acres producing agricultural or horticultural products worth \$2,500 or more annually and satisfying the eligibility criteria for differential property taxation pursuant to the Farmland Assessment Act of 1964, P.L. 1964, c. 48 (N.J.S.A. 54:4-23.1 et seq.); or
- B. A farm management unit less than five acres producing agricultural or horticultural products worth \$50,000 or more annually and otherwise satisfying the eligibility criteria for differential property taxation pursuant to the Farmland Assessment Act of 1964, P.L. 1964, c. 48 (N.J.S.A. 54:4-23.1 et seq.).

DRIPLINE — The line formed by water dripping from the outermost circumference of the branches of the tree.

HOMESITE — The land under the dwelling and such additional land actually used in connection with a single-family dwelling, such as land used for lawns, flower gardens, shrubs, swimming pools, tennis courts and similar uses customarily accessory and appurtenant to the use of a dwelling, but in no event more than the amount of land equal to the minimum lot size provided for the zoning district in which the property is located, subject to any other restrictions or easements which may apply to the planting or removal of trees.**[Amended 7-7-2008 by Ord. No. 2008-15]**

MERCER COUNTY AGRICULTURE DEVELOPMENT BOARD or BOARD — A board established to regulate commercial farm practices and to consider any application by commercial farm owners or operators to conduct permissible farming activities, pursuant to the Right to Farm Act, N.J.S.A. 4:1/C-1 et seq.**[Added 2-27-2006 by Ord. No. 2006-02]**

OWNER — Any person as defined herein having title to or lawful possession of any lot, plot or parcel of land within the Township.

PERSON — Any individual, association, partnership, company, corporation, agency or combination thereof.

PRIVATE TREE — Any living tree having a trunk diameter of five inches or more as measured at a point 4 1/2 feet above the ground within the Township of West Windsor and located on private land.**[Amended 6-22-1981 by Ord. No. 81-24]**

PUBLIC TREE — Any living tree or shrubbery located on lands owned by the Township of West Windsor or any other governmental body.**[Amended 6-22-1981 by Ord. No. 81-24]**

STATE AGRICULTURE DEVELOPMENT COMMITTEE — A committee established to regulate commercial farm practices and to advance and regulate farmland preservation pursuant to the Right to Farm Act, N.J.S.A. 4:1C-1 et seq.**[Added 2-27-2006 by Ord. No. 2006-02]**

§ 170-2. Permit required for certain acts.

The following acts are prohibited except upon issuance of a permit by the Township of West Windsor:

- A. No person shall injure, girdle, remove, destroy or cause or allow to be removed or destroyed any living tree.
- B. No person shall place salt, brine, oil, chemicals or other substances injurious to plant growth within the dripline or in any other place or manner as to injure any tree growing thereon or nearby.
- C. It shall be unlawful to operate or park heavy machinery, e.g., trucks, bulldozers, graders, etc., within the dripline of any tree as defined above, or to carry out scraping or excavation in any such manner as to expose or endanger the roots of such trees, except for approved alteration of grade as in Subsection G of this section.
- D. No fill, gravel, sand or other such material shall be dumped, deposited or stored within the dripline of any tree.
- E. No person shall build a fire or station any tar kettle or engine in such a manner that heat or noxious fumes will penetrate the dripline of any nearby tree.
- F. No person shall dam or obstruct any watercourse so as to result in flooding of adjacent wooded areas and thereby cause damage to trees therein.
- G. Existing grade surrounding a tree may not be altered by more than six inches without construction of an appropriate masonry well or wall to provide retention of original grade around the tree. Such masonry structure shall encircle the tree at a distance of at least three feet from the trunk at any point.
- H. No person shall cause to occur any disturbance to land or vegetation, including the injuring, girdling, removing and

destroying of living trees, in any area designated for conservation by an approval of a Township land use board, whether such area is established by specific delineation or by application of principles and processes set forth in the approval and application documents, and in any other area for which conservation restrictions are in place by virtue of easements, deed restrictions, or other instruments. Conservation areas created by land use board approvals may be established by Greenbelt or other easement or deed restriction, but shall also be subject to this chapter and to § 200-254 if no deed restrictions or easements are recorded, whether or not the intent of the approval was to have such instruments recorded. **[Added 7-7-2008 by Ord. No. 2008-15]**

§ 170-3. Application for permit; issuance. [Amended 4-19-1999 by Ord. No. 99-07; 2-27-2006 by Ord. No. 2006-02; 4-7-2008 by Ord. No. 2008-02]

- A. Any person, including the owner or operator of a commercial farm, desiring to remove, injure, girdle or destroy one or more trees defined in § 170-1 shall file an application therefor with the Manager, Division of Land Use (Manager), on a form to be provided for this purpose. The owner or operator of a commercial farm is not exempt from making such an application. The application shall identify the lot or tract of land upon which the tree or trees are located, shall disclose the name and address of the owner and/or tenant or duly authorized agent of the owner or shall show the actual location, species and diameter of the tree or trees sought to be destroyed, as well as the location of any existing buildings or proposed construction.
- B. If the applicant is the owner or operator of a commercial farm, then the Manager shall refer the application, together with any previous applications for removal of trees from the tract of land, to the Mercer County Agriculture Development Board (Board) with the Manager's recommendations. If the Manager determines that the application is made to benefit a land developer, then the application shall be denied, subject to review by the Board.
- C. The Manager shall refer all other applications, together with any previous application for removal of trees from the tract of land, to the Township Shade Tree Commission for consideration as detailed below.
- D. Upon referral of an application from the Manager, Shade Tree Commission or its authorized representatives shall examine the

premises referred to in the application and inspect the trees referred to therein and the physical condition of the lands and the vicinity thereof.

- E. After completing the examination, the Shade Tree Commission or its representatives shall make a determination with respect to whether or not the permit should be granted in accordance with the standards provided for herein. If this determination is to grant the permit, it shall be endorsed upon the application and returned to the Manager, who shall either issue or deny the permit within one week thereafter. Issuance of permits shall not be approved for trees within Township land use board-created conservation areas set forth in § 170-2H unless such trees are dead or diseased and in the opinion of the Shade Tree Commission should be removed or unless the Township land use board that established such areas has agreed that the acts for which the filed application seeks approval may be undertaken by approving an amendment to the prior land use approval barring such acts. Issuance of permits shall not be approved for trees within such other conservation areas as are set forth in § 170-2H unless permits for tree removal, pruning, or trimming are permitted by the instrument creating such conservation areas. Issuance of permits shall not be approved for trees outside of the conservation areas set forth in § 170-2C unless one or more of the following conditions is found to exist: **[Amended 7-7-2008 by Ord. No. 2008-15]**
- (1) The tree or trees in question are in areas to be occupied by buildings, driveways, recreation areas, streets or drainage or underground utility easements as determined from plat maps for site construction as approved by the Township Planning Board.
 - (2) The tree or trees are located within 15 feet of any of the aforesaid structures or are within utility easements.
 - (3) The area requires an approved cut or fill of land deemed injurious or dangerous to the trees in question and no alternative grading methods are available.
 - (4) Presence of the tree shall in any way constitute a danger to the property owner or the public.
 - (5) Other adequate and special reason within the intent of this chapter.

§ 170-4. Appeal. [Amended 4-19-1999 by Ord. No. 99-07; 2-27-2006 by Ord. No. 2006-02]

If the applicant is a commercial farm owner or operator, then any appeal from a permit denial by the Manager should be made to the Board in accordance with the rules and resolutions of the State Agriculture Development Committee. All other applicants are hereby granted the right to appeal the aforesaid determination by the Manager to the Business Administrator, in which event the applicant must file a written notice of appeal with the Manager within 10 days after receipt of the Manager's notification to the applicant. Thereupon, the Business Administrator will, upon notice to the applicant, proceed to hear the matter within 30 days after the filing of the appeal. The decision of the Business Administrator may affirm, reverse or modify the aforesaid determination and shall constitute the final administrative determination of the application.

§ 170-5. Exceptions.

- A. This chapter shall not apply to the homesite of any resident owner except as provided in § 170-2H and § 170-6. **[Amended 6-22-1981 by Ord. No. 81-24; 7-7-2008 by Ord. No. 2008-15]**
- B. This chapter shall not apply to normal operations in commercial orchards or tree nurseries as carried out by the owners or their employees.
- C. This chapter shall not apply to a public utility company when that company performs routine line clearance for overhead utility wires. **[Amended 4-19-1999 by Ord. No. 99-07]**
- D. This chapter shall not apply to standard selective forestry practices which will benefit both the owner and the intent of this chapter, such as pruning and trimming to enhance growth. Any such activity, however, which entails injury to or destruction of trees shall require an application and permit as provided for herein and shall be in accordance with a management plan developed by the New Jersey Department of Environmental Protection, Bureau of Forestry or other professional forester.
- E. This chapter shall not apply to any tree cut on any homesite for personal use as firewood by the owner. **[Amended 6-22-1981 by Ord. No. 81-24]**
- F. This chapter shall not apply to any person who, on or prior to the effective date hereof, was engaged in the bona fide business of cutting and selling firewood from lands within the township,

provided that the lands so used for such purposes shall not be extended or enlarged except upon issuance of a permit as provided for herein.

§ 170-6. Dangerous trees and shrubs.

- A. Removal required; notice. If a tree or any part thereof along a street becomes dangerous or a hazard to public safety, the owner of the property on which the tree stands shall remove the tree or the required part thereof on receipt of written notice to that effect from the Township Administrator. **[Amended 6-22-1981 by Ord. No. 81-24]**
- B. Standard established; clear vision at intersection. The owner or tenant of any lands lying within the township shall keep all brush, hedges and other plant life, growing within 10 feet of any street and within 25 feet of the intersection of two streets cut to a height of not more than 2 1/2 feet, as deemed necessary and expedient for the preservation of public safety after a determination by the Chief of Police or any subordinates acting under the Chief's direction.
- C. Removal by township. If the owner fails to remove the tree or portion thereof within 10 days after receipt of written notice to do so, the work shall be performed by the township under the supervision of the Administrator who shall certify the cost to the Township Council.
- D. Costs charged against land; lien established. Upon determining the certified costs, the Mayor or designee shall examine them and shall cause the reasonable cost to be charged against the lands. The amount so charged shall become a lien upon the lands and shall be added to and become part of the taxes next to be assessed and levied on the lands, the same to bear interest at the same rate as other taxes and be collected and enforced by the same officer and in the same manner as taxes. **[Amended 4-19-1999 by Ord. No. 99-07]**

§ 170-7. Violations and penalties.

Any person found guilty of violating any provision of this chapter shall, upon conviction, be liable to the penalty established in Chapter 1, General Provisions, Article II, Penalty, § 1-3. Each day any violation of this chapter continues shall constitute a separate offense, as shall injury to or destruction of each tree without a permit.¹

1. Editor's Note: Former Section 16-7, Administration, which immediately followed this section, was deleted 4-19-1999 by Ord. No. 99-07.

ORDINANCE REGARDING NUISANCES – INCLUDING DANGEROUS TREES OR LIMBS

§ 115-3. Nuisances identified.

A. Any matter, thing, condition or act which after proper investigation by the Health Officer or other enforcing official is deemed to be injurious, detrimental or a menace to the public health or is deemed to be an annoyance or interfere with the comfort or well-being of the inhabitants of the township is hereby declared to be a nuisance and shall include but not be limited to the following:

(1) Pollution or the existence of a condition or conditions which cause or threaten pollution of any waters of the township.

(2) The escape into the open air from any stack, vent, chimney or any entrance to the open air of quantities of smoke, fly ash, dust, fumes, vapors, mists or gases as to cause or threaten injury or detriment or endanger the health or safety of the inhabitants of the township.

(3) The open burning of any material, including but not limited to brush, weeds, grass, leaves, vegetative cuttings, discarded building materials, chemicals, agricultural waste products or any other material except as otherwise permitted by ordinance or state law.

(4) The growth, existence or presence of ragweed on any plot of land, lot, highway, street, sidewalk, right-of-way or any other public or private place within 200 feet of an occupied dwelling.

(5) The growth, existence or presence of poison ivy within 20 feet of any property line, highway, street, sidewalk, or right-of-way.

(6) **The growth, existence or presence of any brush, weeds, obnoxious growth, dead and dying trees or limbs on any land within 100 feet of a dwelling or within 50 feet of a residential property line.**

(7) The presence on any plot of land, highway, street, right-of-way or any other public or private place of any refuse, rubbish, garbage, trash, junk, filth or debris, whether putrescible or nonputrescible, and including but not limited to paper, wood, glass, cloth, metal, liquid wastes, chemicals, dead animals, manure, vegetative cuttings and building and industrial wastes, but excluding usable materials properly stored. The practice of composting shall not fall within the meaning of this subsection, provided that such compost pile, mound or area is maintained on one's own private property and is properly maintained so as not to present offensive odors, the breeding of flies or any other public health nuisance.

(8) Depositing, dumping, accumulating, maintaining or otherwise allowing any matter or thing which serves as food for insects or rodents or to which they may have access or which serves or constitutes a breeding place or harborage for insects or rodents of a public health significance in or on any land, premises, building or other place.

(9) The existence or presence of any water or other liquid in which mosquito eggs, larvae or pupae exist or of any condition which allows water to lie, pond, stand or otherwise accumulate so as to provide a breeding environment for mosquitoes. The meaning of this subsection shall not apply to ponds where fish are adequately maintained so as to preclude the breeding of mosquitoes.

(10) The keeping of any animal or animals in such a manner as to cause or present a source of foulness, odors or breeding of insects, rodents or other vermin.

(11) The existence or maintenance of any condition which may reasonably constitute a safety hazard, an attractive nuisance or otherwise present a threat to the safety and well-being of the inhabitants of the township or of the public at large, including but not limited to the following:

(a) Any vacant building which is not adequately sealed, boarded up or otherwise secured so as to preclude the entry of inquisitive minors.

(b) Any excavation, depression, hole, shaft, abandoned or unused well which is of such depth or dimension so as to present a hazard in terms of one falling into or being entrapped therein.

(c) Any discarded refrigerator, cabinet, automobile or other piece of equipment, machinery, device or material which may offer or present an enclosure and a hazardous attraction to children.

(d) **Any dead or dying trees or limbs in such proximity to a dwelling, building, street, sidewalk, pathway, right-of-way, thoroughfare, driveway, park, playground or other frequented area where the falling of the tree or part thereof would endanger life, threaten injury or damage property.**

(12) The willful abandonment of any domestic animal within the boundaries of the township.

B. It shall be unlawful for any person or persons to commit, maintain or allow any nuisance as declared and described in this section.

§ 115-4. Proper heating of rental buildings.

It shall be unlawful for the owner of any rental building which is to be occupied as a residence, business, commercial or industrial establishment to fail to supply heat from the first day of October in each year to the first day of May of the succeeding year.

A. In buildings occupied as a residence, heat shall be provided in such manner that the temperature of all occupied rooms shall not be permitted to fall below 65° F. at any time between the hours of 6:00 a.m. and 11:00 p.m. unless the tenant by the tenant's own volition so chooses and is able to adjust the heat to a lower desired temperature.

B. In buildings occupied as business, commercial or industrial establishments, heat shall be provided as for residential buildings, except:

(1) Where the New Jersey State Department of Labor and Industry or the United States Occupational Safety and Health Act provides otherwise.

(2) Where there is a legal contract between the operator of the business and the owner of the building, provided that the contract does not preclude the provision of heat in the minimum prescribed degree above for office and clerical personnel.

(3) Where the regular working hours for all the employees of a particular business in a particular building is a partial twenty-four-hour day, heat shall be provided in such manner that the temperature of all occupied rooms shall not be permitted to fall below 65° F. at any time during regular working hours.

(4) Where in certain industries or occupations maintenance of temperatures below the prescribed 65° F. is essential or inherent to the particular industry or occupation.



WEST WINDSOR TOWNSHIP

DEPARTMENT OF COMMUNITY DEVELOPMENT
Shade Tree Commission

WHAT CONSUMERS SHOULD LOOK FOR & ASK ABOUT WHEN HIRING A TREE CARE BUSINESS, LTE OR LTCO

The Board of Tree Experts urges all consumers to check the credentials and insurance of anyone they intend to let do tree work on their property. **It is now mandatory to hire a tree care business that is registered with the state and has employed a Licensed Tree Expert or Licensed Tree Care Operator depending on the services they offer for hire.** It is important to make sure that the person is qualified to do tree work and fully insured in case an accident happens. Incorrect tree work can predispose your trees to many future problems, including tree failure. In addition, many homeowner policies will not cover injuries or damage done by an under-insured tree care contractor, which may leave the financial burden on the homeowner.

Advertisement by a tree care company must include the business's NJTC registration number. Only the services a Registered Business has received approval for can be advertised. The public should know that there are many registrations and licenses the State of New Jersey offers. There are also many national and local organization's credentials that are offered as well. **To do tree care business in New Jersey, a business needs to be registered with the Board of Tree Experts and employ at least one Licensed individual.** The public can be misled by a general business license or a pesticide license. Consumers should **ask to see** a copy of the * Company's Business Registration, its * proper insurance coverage and the * name and * licensed number of the person in the company that is required licensed.