

**TOWNSHIP OF WEST WINDSOR
COUNTY OF MERCER, NEW JERSEY**

1st Reading April 8, 2024
 2nd Reading & Public Hearing April 29, 2024
 Date Adopted April 29, 2024
 Date Effective October 27, 2024
 DOT APPROVAL RECEIVED _____
 Planning Board Approval _____

Date to Mayor April 29, 2024
 Date Signed April 30, 2024
 Date Resubmitted to Council _____
 Approved as to Form and Legality _____

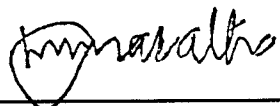
Township Attorney
Michael W. Herbert Esq.

ORDINANCE NO. 2024-08

**AN ORDINANCE TO REPLACE CHAPTER 170 OF THE REVISED GENERAL
ORDINANCES OF THE TOWNSHIP OF WEST WINDSOR (1999) BY
MODIFYING PROVISIONS PERTAINING TO TREE REMOVAL AND
MITIGATION
DUE TO STATE OF NJ STORMWATER POLLUTION PREVENTION
REGULATIONS**

RECORD OF VOTE													
First Reading							Second Reading						
Council	Yes	No	NV	AB	Mov	Sec	Council	Yes	No	NV	AB	Mov	Sec
Gawas	✓						Gawas	✓				✓	
Geevers	✓						Geevers	✓					
Mandel	✓					✓	Mandel	✓					✓
Weiss	✓				✓		Weiss	✓					
Whitfield	✓						Whitfield				✓		

x-Indicates Vote AB-Absent NV-Not Voting Mov-Moved Sec-Seconded



 Hemant Marathe, Mayor

April 30, 2024

 Date

Rejected _____

Reconsidered by Council _____

Override Vote: YES _____ NO _____



 Gay M. Huber, Township Clerk

**TOWNSHIP OF WEST WINDSOR
MERCER COUNTY, NEW JERSEY**

ORDINANCE NO. 2024-08

**AN ORDINANCE TO REPLACE CHAPTER 170 OF THE REVISED GENERAL
ORDINANCES OF THE TOWNSHIP OF WEST WINDSOR (1999) BY MODIFYING
PROVISIONS PERTAINING TO TREE REMOVAL AND MITIGATION
DUE TO STATE OF NJ STORMWATER POLLUTION PREVENTION REGULATIONS**

WHEREAS, the New Jersey Department of Environmental Protection (NJDEP) has developed the Municipal Stormwater Regulation Program as a result of the US Environmental Protection Agency's (USEPA) Phase II rules addressing pollutants entering into our water tributaries; and

WHEREAS, the Township was required to obtain a Tier "A" Municipal Stormwater Discharge Permit as part of these new regulations; and

WHEREAS, the Township was required to develop a Stormwater Pollution Prevention Program; and

WHEREAS, the Township is required to periodically adopted or amend certain Ordinances aimed to prevent Stormwater Pollution as the State reauthorizes the Municipal Stormwater Discharge Permit; and

WHEREAS, the State is requiring the adoption of regulations pertaining to tree removal and the potential impact upon the community forest, tree canopy cover, and related environmental impacts upon pollutants, soil erosion, and flooding.

NOW, THEREFORE, BE IT ORDAINED, by the West Windsor Township Council, County of Mercer, State of New Jersey, that the Code of West Windsor Township, be amended and supplemented as follows:

Section 1. Chapter 170, Trees (§ 170-1 -§ 170-7), of the Code of the Township of West Windsor (1999), is hereby deleted in its entirety and replaced by the following text:

**Part II: General Legislation
Chapter 170 Trees**

§ 170 Trees on Public and Private Property

Trees are a natural resource that provide environmental, aesthetic, health, and economic benefits to the municipality and its inhabitants. The proper care, management, and preservation of the community tree resource, both individual trees and woodlands including; the removal of dead, damaged, infested, or diseased trees; and the preservation of significant trees and

woodland, on both public and private property, can have a significant positive impact on individual properties, neighborhoods, and the municipality as a whole. The adoption of this code is consistent with the Township's State-approved Community Forestry Management Plan, and is appropriate to protect the environment, while promoting the public's health, safety, and welfare, including reduced soil erosion, reduction of air and water pollutants and increased infiltration of stormwater.

§ 170.1. Definitions:

For this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this ordinance 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" means the requirement is always mandatory and not merely directory.

APPLICANT

Any "person", as defined herein, who applies for approval to undertake the removal of a tree or trees regulated under this ordinance.

COMMERCIAL FARM

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, N.J.S.A. 54:4-23.1 et seq.; or a farm management unit of 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, N.J.S.A. 54:4-23.1 et seq. A farm management unit is a parcel or parcels of land, whether contiguous or noncontiguous, together with agricultural or horticultural buildings, structures and facilities, producing agricultural or horticultural products, and operated as a single enterprise.

CRITICAL ROOT RADIUS (CRR)

The zone around the base of a tree, measured from the outer trunk bark. It is where the majority of the tree root system typically grows. This zone is calculated by multiplying the diameter, in inches, at breast height (DBH) of the tree by 1.5 feet/inch, the product is in feet. For example: a tree with a six-inch DBH would have a CRR = 6 inches x 1.5 feet/inch = 9 feet.

DIAMETER AT BREAST HEIGHT (DBH)

The diameter in inches of the trunk of a mature tree measured at a point four and a half feet above ground level, along a line parallel to the trunk, from the uphill side of the tree. A mature tree is a tree that measures six inches, or greater, at diameter breast height (DBH). For trees where the main trunk divides (multi-stem) below the four-and-a-half-foot height, but at least six inches above ground level, the DBH shall be measured at the highest point below any division, or shall be the average of the stems measured at breast height, whichever is less. Multi-stem trees that split or fork below six inches above grade shall be treated as multiple individual trees.

DANGEROUS TREE

A tree or limbs thereof that meet one or more of the criteria below, as determined by a Licensed Tree Expert reported in writing, based upon accepted Arboricultural standards. Trees or limbs that do not meet any of the criteria below and are proposed to be removed solely for aesthetic, tree or landscape growth, or any type of construction purpose do not meet the definition of a dangerous trees.

1. Has an infectious disease or insect infestation that is likely to lead to the demise of the tree and/or nearby trees;
2. Is dead, dying, severely declining, and /or severely damaged, including severely storm damaged and tree(s) felled by natural causes;
3. Obstructs the operation or operational view of traffic signals and signs, streetlights, fire hydrants, sanitary sewer pipes, potable water pipes, or the safe passage of pedestrians or vehicles, where pruning attempts or protective measures have not been effective, or will cause demise of the tree;
4. Is causing obvious damage to public or private structures and/or infrastructure, that cannot be pragmatically mitigated;
5. Is otherwise determined, by a New Jersey Licensed Tree Expert, Certified Arborist, or an appropriate municipal representative, to be a threat to public health, safety, and/or welfare, which cannot be otherwise mitigated by an appropriate and pragmatic protection.

LICENSED TREE EXPERT (LTE)

A person who has been examined and proven competent in the science and art of diagnosing, treating and preventing tree injuries. The State of New Jersey license is a document that insures that the named individual has the expertise required to be presented to the public as a Licensed Tree Expert as established by N.J.S.A. 45:15C-11 et seq. Licensed Tree Experts can perform tree expert services which means and includes: tree pruning, repairing, brush cutting or removal, tree removal, stump grinding or removal, tree establishment, fertilization, cabling and bracing, lightning protection, consulting, diagnosis, and treatment of tree problems or diseases, tree management during site planning and development, tree assessment and risk management, and lawful application of pesticides or any other form of tree maintenance.

LICENSED TREE CARE OPERATOR (LTCO)

A person who has been examined and proven to be competent in the science and skills to perform tree care operator services which means and includes tree pruning, repairing, brush cutting or removal, tree removal, and stump grinding or removal. The State of New Jersey license is a document that insures that the named individual has the expertise required to be presented to the public as a Licensed Tree Care Operator as established by N.J.S.A. 45:15C-11 et seq.

MULCH

The application of a ground treatment, e.g. shredded bark, wood chips, within the critical root radius of a tree. Over-mulch is the condition where mulch and/or soil is applied higher than four (4) inches in height above soil surface within the critical root radius, or against the tree trunk or stems. Maintain mulch 3 to 5 inches away from the stems of young plants or shrubs, and 8 to 12 inches away from mature tree trunks. Improper-mulch is where a substance which is harmful to the tree is applied within the critical root radius of a tree.

PERMITTEE

A "person" who has received a Tree Removal Permit from the Township.

PERSON

Any individual, resident, property owner, corporation, company, partnership, firm, property association, contractor, or subcontractor. Person shall not include a government agency or public utility, or the staff of these entities performing authorized work or actions on trees on property owned or operated by the agency or utility.

PLANTING STRIP OR TREE LAWN

The part of a public or private street right-of-way or easement between the right-of-way, property, or easement line(s), and the cartway or portion of the street designed for vehicular traffic, exclusive of any sidewalk and driveways.

PUBLIC PROPERTY

Real property owned by Federal, State, County or Local governments or their agencies or departments.

REPLACEMENT TREE

A tree of a species, cultivar, size and form appropriate for the location it will be planted and shall adhere to the American Standard of Nursey Stock (American National Standards Institute: ANSI Z60.1 most recent edition), published by the American Horticulture Industry Association, d/b/a AmericanHort, Columbus OH.

RESIDENT

An individual who resides on the residential property or a contractor hired by the property owner or individual who resides on the residential property, where a tree, subject to this ordinance, is proposed for removal or is removed.

STREET TREE

A tree located in the planting strip and/or in the public or private right-of-way or easement adjacent to the portion of the street designed for vehicular traffic. This also includes trees planted in planting strips within the street cartway, i.e., islands, medians, and pedestrian refuges. Trees

adjacent to public or private driveways and parking lots, and outside the planting strip or tree lawn, are not street trees.

TREE

A woody perennial plant (deciduous or coniferous), typically but not exclusively, having a single stem or trunk growing to a considerable height and bearing lateral branches at some distance from the ground. Multi-stem trees that split or fork below six inches above grade shall be treated as multiple individual trees, otherwise they shall be considered one tree.

TREE CALIPER

The diameter in inches of the trunk of a young tree, measured six inches above the ground level for field grown trees; and measured from the soil line for container grown trees, which soil line should be at or near the top of the root flare, and six inches above the root flare for bare root plants, up to and including the four-inch caliper size interval (i.e., from four inches up to, but not including, four and one-half inches). If the caliper measured at six inches is four and one-half inches or more, then the caliper shall be measured at twelve inches above the ground level, soil line, or root flare, as appropriate. Multi-stem tree caliper shall be calculated as either one-half of the caliper of the three largest trunks, or the average caliper of all trunks.

TREE REMOVAL

To either purposefully kill or to cause irreparable damage that leads to the decline and/or death of a tree. Tree removal is typically the process of safely and methodically cutting down and removing a tree from its location. This can also include, but is not limited to, one or more of the following: digging, spading, excessive pruning, application of substances that are toxic to the tree, over-mulching or improper mulching, and improper grading, and/or soil compaction within the critical root radius (CRR) that leads to the decline and/or death of a tree.

Tree Removal does not include responsible pruning and maintenance of a tree, in accordance with industry accepted standards, the responsible application of treatments, and removal of exotic species intended to manage their spread pursuant to the "Prohibited Replacement Tree List," adopted by the West Windsor Township Shade Tree Commission, or findings and official publication of a State of New Jersey agency. The Prohibited Replacement Tree List shall be available from the Township and shall be posted on the Township internet web page.

TREE REMOVAL PERMIT

Approval, issued by West Windsor Township, to conduct tree removal or other regulated activities upon a tree or trees. Tree Removal Permit applications, information, forms, and standard details shall be available from the Township and shall be posted on the Township internet web page.

§ 170.2 Regulated Activities:

It shall be a violation of this code for any person to conduct purposeful tree removal, destruction, damage, injury, excavation, grinding, girdling, over-mulch, improper-mulch, soil compaction, fill

application, or construct structures within the critical root radius of any tree in West Windsor, not exempt from these regulations as described in Section 170.3, without first obtaining a Tree Removal Permit as provided herein:

A. Tree Removal Permit Required:

1. Any person planning actions that include or may result in tree removal of a tree with a DBH of six inches or greater, or any size street tree, shall submit a Tree Removal Permit Application, and the prescribed initial application fee, to the Township on a complete form to be provided for this purpose.
2. West Windsor shall review and approve or deny the application within twenty (20) business days (days that Township offices are officially open) of the date of receipt. If the application is determined to be incomplete, then the review period shall reset at (20) business days, from the date of re-submission. If not acted upon by the Township within (20) business days, the application will be considered approved. No regulated, non-emergency, tree removal shall take place without an approved Tree Removal Permit for the tree(s) involved.
3. If the applicant is the owner or operator of a commercial farm, as defined in the New Jersey Department of Agriculture regulations, then the Township may review the application with the Agricultural Advisory Committee, or appropriate staff liaison to the Agricultural Advisory Committee, to determine if the application is being made to benefit an anticipated land development proposal or application, in which case the Tree Removal Permit application shall be denied and the applicant shall be advised to submit a land use application to the Township.
4. Activities related to a land development project that requires a Zoning Permit, Planning Board and/or Zoning Board of Adjustment approval shall provide an inventory of existing tree resources and a tally of proposed tree removal; and replacement; or replanting; or planting; for review by the Township with the land development application. The land development application shall also include a calculation of anticipated applicable Additional Application Fees, as prescribed herein regarding tree removal. Issuance of the approved Zoning Permit to construct the approved land development work shall serve as the approved Tree Removal Permit for tree removal activities, as detailed in the land development application, and shall include the Additional Application Fees, calculated pursuant to Section 170.2. B, and C. Regulated tree removal shall not occur prior to the payment of applicable fees, including fees prescribed herein regarding tree removal, and the issuance of a Zoning Permit, or a separate Tree Removal Permit.
5. If Section 170.2.A.3 and/or 170.2.A.4 above is applicable to the Tree Removal Permit Application, the review periods detailed in Section 170.2.A.2 do not apply.

6. Tree care and removal are further regulated by the New Jersey Tree Experts and Tree Care Operators Licensing Act (N.J.S.A. 45:15C-11 et seq.). Businesses and individuals that provide tree care services are legally required to be appropriately insured, registered with the State, and must have individuals on staff that are licensed and appropriately trained to perform such services. Where Tree Removal Permit Application is filed by a property owner or resident it must include information for the LTCE/LTCO involved with the removal.

B. Tree Replacement Quantity Requirements:

Any person who removes one or more street trees of 2.5 inches or greater at DBH, or who removes one or more trees six (6) inches or greater DBH, unless exempt under Section 170.3, shall be subject to the Tree Replacement Requirements in Table 1. below.

Table 1. Tree Replacement Requirements

Category	Size of Tree to be Removed, In Inches DBH	Replacement trees to be planted In Inches Caliper
1	6 to 12.99 DBH and Street Tree 2.5 to 12.99 DBH	Plant one (1) tree with a minimum tree caliper of 1.5 for each tree removed
2	13 to 22.99 DBH	Plant two (2) trees with minimum tree caliper of 1.5 for each tree removed
3	23 to 32.99 DBH	Plant three (3) trees with minimum tree caliper 1.5 for each tree removed
4	33 or greater DBH	Plant four (4) trees with minimum tree caliper of 1.5 for each tree removed
		NOTE: A coniferous tree measuring 5 foot height shall be considered equal to a deciduous tree measuring 1.5 caliper for replacement requirement.

C. Tree Replacement Planting Requirements:

1. The species and type of replacement trees shall not be of a species, type, cultivar, or selection, known to be invasive, pursuant to the "Prohibited Replacement Tree List," adopted by the West Windsor Township Shade Tree Commission, or the findings and official publication of a State of New Jersey agency. The Prohibited Replacement Tree List shall be available from the Township and shall be posted on the Township internet web page.
2. Replacement trees shall be planted on the same property as the trees removed or at another location agreed upon by the Township, and shall be subject to post-planting observation by the Township to confirm compliance with this Chapter.
3. Replacement trees shall be planted, during an appropriate season and weather conditions, within twelve (12) months of the date of tree removal of the original tree(s) or at an alternative date agreed upon by the Township.

4. Replacement trees planted on private property shall be maintained and monitored by the permittee for a period of two (2) years from planting date. Any tree that does not survive for that two (2) year period, or that upon observation by the Township has been determined to have been planted improperly, shall be replaced consistent with the replacement requirements herein.
5. Replacement trees shall be planted in accordance with the standard Township tree planting detail. Replacement trees shall not be planted in temporary containers and shall be planted in soil in a manner that will support tree health and survival. The standard tree planting detail shall be available from the Township and shall be posted on the Township internet web page.
6. Replacement trees shall not be planted in planting strips or tree lawns that measure less than sixteen square feet in surface area, or less than three feet and six inches in any dimension.
7. Replacement trees planted within six feet of a paved sidewalk, path, or plaza, shall include the installation of a tree root barrier at least 12 inches in depth for a length of six feet, centered upon the trunk of the tree, along the edge of the paved walk, path or plaza.
8. If tree replacement on the Permittee's property is not feasible, then the fees listed below in Table 2 for each tree category shall be paid to the Township in the form of a Tree Removal Permit Additional Application Fee, to be deposited to a Township account or fund exclusively dedicated for the purposes of implementing community forestry arboricultural practices, including tree planting. When the Township plants trees with fees collected under this Section, every effort will be made by the Township to plant the replacement trees at locations where the trees will result in environmental protection or enhancement, reduce soil erosion or pollutant runoff, and improve stormwater transpiration and infiltration.

Table 2. Tree Removal Permit Additional Application Fee

Category	Size of Tree to be Removed, in Inches DBH	Additional Application Fee, Cumulative per tree
1	6 to 12.99 <u>DBH</u> and Street Tree 2.5 to 12.99 <u>DBH</u>	\$300.00
2	13 to 22.99 <u>DBH</u>	\$1,000.00
3	23 to 32.99 <u>DBH</u>	\$1,500.00
4	33 or greater <u>DBH</u>	\$2,000.00

D. Conservation Areas and Township Property:

No person shall purposefully cause to occur any disturbance to land or vegetation, including the harming, injuring, girdling, removing and destroying of living trees, on any Township property, or right-of-way, or in any area on private property 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 land use board approval and application documents, and in any other area for which conservation restrictions are in place by virtue of easements, deed restrictions, or other legal 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 potential penalties pursuant to Chapter 200-254 of the Township code if no deed restrictions or easements are recorded, whether or not the intent of the approval was to have such instruments recorded.

§ 170.3. Exemptions:

All persons shall comply with the tree replacement and permit standards described within this Chapter, except in the cases detailed below. Justification shall be provided to the Township by all persons claiming an exemption, prior to undertaking any regulated activity.

- A. Tree removal within a residential property with one single-family or two-family dwelling, that involves the removal of up to three (3) trees that fall into categories 1, 2, or 3 of the Tree Replacement Requirements Table 1 on an individual property, or per acre of an individual property exceeding one acre in size, with any partial acreage being pro-rated accordingly, within a five-year period. The number of trees removed is a rolling count across any five-year period. For example, if three trees from category 1 are removed in July 2024, the 'count' resets to zero in July 2029. However, if one tree from category 1 is removed in July 2024 and another in July of 2026 the first tree will come off the count in July 2029 and the second in July 2031. A Tree Removal Permit Application and fee shall be required for these trees in order to justify and record the exemption.
- B. Dangerous trees shall not be counted in the determination of exemptions under Section 170.3.A and may be removed without incurring any replacement tree planting or Tree Removal Permit Application Fee requirement, pursuant to Sections 170.2.B and 170.2.C, respectively. Any tree(s) with a base located within 25' of the applicant's residential structure (home and garage) on residential property with one single-family or two-family dwelling will be considered a dangerous tree(s) for purposes of this Chapter. A Tree Removal Permit Application must be submitted to the Township to justify and record the removal of one or more dangerous trees. There shall be an exception from filing a Tree Removal Permit Application for dangerous trees located on residential property with one single-family or two-family dwelling, determined as dangerous by a Licensed Tree Expert in a written report, even in the cases of storm damaged trees and trees felled by natural causes. The written report must be retained at the property for a minimum of five years, in case verification is necessary to be provided.
- C. Educational Institution tree farms and Commercial Tree farms in active operation, including nurseries, fruit orchards, and garden centers.

- D. Properties used for the practice of silviculture under a State approved forest stewardship or woodland management plan that is active and on file with the Township.
- E. Any tree removal as part of a Township or State decommissioning plan. This exemption only includes trees planted as part of the construction and predetermined to be removed in the decommissioning plan.
- F. Any tree removal pursuant to a New Jersey Department of Environmental Protection (NJDEP) or U.S. Environmental Protection Agency (EPA) approved environmental clean-up, or NJDEP approved habitat enhancement plan.
- G. State approved game management practices, as recommended by NJDEP.
- H. Tree removal, maintenance or land management by the Township or its authorized contractors or subcontractors.

§ 170.4. Enforcement, Appeals:

The Township shall designate staff to enforce Chapter 170. The designated staff person(s) may confer with the Township Administration and Shade Tree Commission regarding enforcement of this Chapter 170. Applicants are hereby granted the right to appeal the aforesaid determination by the enforcement staff person to the Business Administrator, in which event the applicant must submit a written notice of appeal to the Township within ten (10) days after receipt of the enforcement staff person's notification to the applicant. Thereupon, the Business Administrator will, upon notice to the applicant, proceed to hear the matter within thirty (30) days after receipt of the appeal by the Township. 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. Reporting:

Township staff shall report to the Township Administration, Township Council and the Shade Tree Commission on an annual basis all application fees collected, expenditures of such fees and the locations of replacement trees on public property, related to fees collected under this Chapter.

§ 170.6. Violations and Penalties:

Any person who is found to be in violation of the provisions of this ordinance shall, upon conviction, be liable to the penalty established in Township code Chapter 1, General Provisions, Article II, Penalty, 1-3., in addition to the applicable Tree Removal Permit application fee. The Township may, based upon individual circumstances, require the planting of additional trees in accordance with the provisions of this Chapter in lieu of a fine.

§ 170.7. Removal of Dangerous Trees:

If a tree becomes dangerous, or develops dangerous limbs, as established by the standard of this Chapter, than the owner of the property on which the tree stands, shall implement appropriate protections and/or barriers as soon as possible. The property owner shall also promptly act to cause safe removal of the tree or the dangerous part thereof on receipt of written notice to that effect from the Township Business Administrator or duly authorized personnel.

- A. Standard established; clear sight distance for 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.
- B. Removal by Township; If a property owner fails to remove the tree or portion thereof within thirty (30) days after receipt of written notice to do so, the work may be performed by the Township under the advisement of the Township Business Administrator who shall also certify the cost to the Mayor and Township Council.
- C. 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.

§ 170.8. Severability:

Each Section, subsection, sentence, clause, and phrase of this Ordinance is declared an independent Section, subsection, sentence, clause, and phrase, and finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause or reason shall not affect any other portion of this Ordinance.

§ 170.9. Effective Date:

Section 1. This ordinance shall take effect one hundred and eighty (180) days after action or inaction by the Mayor as approved by law, or an override of a mayoral vote by the Council, whichever is applicable; and upon publication according to law.

Section 2. SEVERABILITY. Where any section, subsection, sentence, clause, or phrase of these regulations is, for any reason, declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof, other than the part so declared.

Section 3.

INTRODUCTION: April 8, 2024

PUBLIC HEARING: April 29, 2024

ADOPTION: April 29, 2024

MAYORAL APPROVAL: April 30, 2024

EFFECTIVE DATE: October 27, 2024

AFFIDAVIT

STATE OF NEW JERSEY :
: SS
COUNTY OF MERCER :
AFFIDAVIT OF PUBLICATION

I, Gay M. Huber, Municipal Clerk of the Township of West Windsor in the County of Mercer, being duly sworn according to law, depose and say that the notice which is attached hereto is exactly as it was published on April 12, 2024 in the Princeton Packet, a semi-weekly newspaper of general circulation, printed in the State of New Jersey and having its publication office at 300 Witherspoon Street, Princeton, New Jersey.

NOTICE OF PENDING ORDINANCE

ORDINANCE NO. 2024-08

AN ORDINANCE TO REPLACE CHAPTER 170 OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST WINDSOR (1999) BY MODIFYING PROVISIONS PERTAINING TO TREE REMOVAL AND MITIGATION DUE TO STATE OF NJ STORMWATER POLLUTION PREVENTION REGULATIONS

The ordinance published herewith was introduced and passed upon first reading at a meeting of the governing body of the Township of West Windsor, in the County of Mercer, State of New Jersey, held on April 8, 2024. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held in the West Windsor Township Municipal Building, 271 Clarksville Road, in the Township on April 29, 2024 at 7:00 o'clock P.M., and during the weeks prior to and up to and including the date of such meeting, copies of said ordinance will be made available at the Clerk's office to the members of the general public who shall request the same.

Gay M. Huber
Township Clerk
Township of West Windsor
1x, P, 4/12/24, Fee:\$15.01

Gay M. Huber
Gay M. Huber, Township Clerk

Sworn and subscribed to
before me this 1st day
of May, 2024

Cynthia Rhymmer

Adv. Fee: \$15.01
PD: 04/12/24

CYNTHIA RHYMER Notary Public of New Jersey
NOTARY PUBLIC
STATE OF NEW JERSEY
ID # 2226646
MY COMMISSION EXPIRES FEB. 27, 2026