

TOWNSHIP OF HAMILTON  
COUNTY OF MERCER, NEW JERSEY

ORDINANCE

No. **25-025**

1ST READING OCTOBER 21, 2025

DATE TO MAYOR DECEMBER 3, 2025

2ND READING & PUBLIC HEARING DEC. 2, 2025

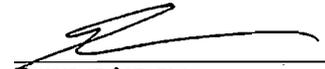
DATE RESUBMITTED TO COUNCIL \_\_\_\_\_

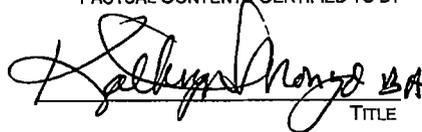
WITHDRAWN \_\_\_\_\_ LOST \_\_\_\_\_

DATE EFFECTIVE December 23, 2025

APPROVED AS TO FORM AND LEGALITY

FACTUAL CONTENTS CERTIFIED TO BY

  
TOWNSHIP ATTORNEY

  
TITLE

**ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE TOWNSHIP OF HAMILTON, NEW JERSEY, PART III, LAND USE LEGISLATION, CHAPTER 550, LAND DEVELOPMENT, ARTICLE IV, GENERAL REGULATIONS AND DESIGN STANDARDS, § 550-117, TREE REMOVAL AND REPLACEMENT, AND REPEALING THE PREVIOUS § 550-117, NATURAL FEATURES AND TREE PRESERVATION, IN ITS ENTIRETY**

Whereas on December 9, 2022, the New Jersey Department of Environmental Protection ("NJDEP") Municipal Stormwater Permitting Program revised the Tier A Municipal Stormwater General Permit ("Permit"), which authorizes the discharge of stormwater from small municipal storm sewers; and

Whereas the revised Permit required municipalities to adopt and enforce a community-wide ordinance covering tree removal/replacement; and

Whereas a new ordinance was developed based upon the model ordinance provided by the NJDEP to regulate the removal of trees within the Township of Hamilton, as well as the replacement requirements for trees that have been removed; therefore

Be It Ordained by the Council of the Township of Hamilton, in the County of Mercer and State of New Jersey, that the Code of the Township of Hamilton, New Jersey, Part III, Land Use Legislation, Chapter 550, Land Development, Article IV, General Regulations and Design Standards, as amended and supplemented, be further amended and supplemented to include the following:

Section 1. Chapter 550, Land Development, § 550-117, Natural features and tree preservation, be and hereby is deleted in its entirety and replaced with the following:

**Chapter 550**

**LAND DEVELOPMENT**

**ARTICLE IV. GENERAL REGULATIONS AND DESIGN STANDARDS**

.....

**§ 550-117. Tree Removal and Replacement.**

**A. Intent and purpose.**

- (1) The Township of Hamilton has determined that the protection of trees within the Township is not only desirable, but also essential to the present and future health, safety and welfare of all citizens. Trees are valuable contributors to not only the Township's environment and beauty, but as studies have shown, the local economy as well. The treatment of trees on individual properties can have

**TOWNSHIP OF HAMILTON  
COUNTY OF MERCER, NEW JERSEY**

**ORDINANCE**

No. **25-025**

**ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE TOWNSHIP OF HAMILTON, NEW JERSEY, PART III, LAND USE LEGISLATION, CHAPTER 550, LAND DEVELOPMENT, ARTICLE IV, GENERAL REGULATIONS AND DESIGN STANDARDS, § 550-117, TREE REMOVAL AND REPLACEMENT, AND REPEALING THE PREVIOUS § 550-117, NATURAL FEATURES AND TREE PRESERVATION, IN ITS ENTIRETY**

- (2) significant impacts not only on those individual properties but also on neighboring properties, the streetscape, the tree canopy and the entire Township. The purpose of § 550-117 is to control and regulate the removal and cutting of trees upon lots and tracts of land within the Township of Hamilton that will cause increased stormwater runoff, increased soil erosion and sedimentation, decreased fertility of the soil, degradation of water resources, decreased groundwater recharge, increased buildup of atmospheric carbon dioxide, the establishment of a heat island effect and increased dust and pollution. The singular or cumulative affect of any of the foregoing could adversely impact the character of Hamilton Township, decrease property values, render the land unfit and unsuitable for its most appropriate use, and negatively affect the health, safety and general welfare of Hamilton's residents. Thus, the Township governing body desires to regulate and control the removal of trees within the Township and to require appropriate tree replacement.
- (3) It is recognized that there is a strong interrelationship between the integrity of the Township's water resources, development on steep slopes, tree removal, soil disturbance, stormwater management and the general use of the land resources. Fewer trees throughout the Township also correlates with increased air pollution. Therefore, the governing body finds that the appropriate management of these resources is an important health, safety and general welfare concern. Managing the Township's tree resources is consistent with the State-approved Hamilton Township Community Forestry Management Plan and is now a requirement of the State's MS4 Tier A permit.
- (4) Trees are declared to be an important cultural, ecological, scenic and economic resource. Proper management of this resource will ensure its maintenance and result in economic returns. A forestry management program is intended to meet the objectives of preserving, protecting, enhancing and maintaining trees and providing opportunities for the continued use of forest resources which are compatible with the maintenance of the environment. This will be accomplished by ensuring management of forest and trees through the application of sound management practices. To that end, it shall be unlawful to cut down, damage, poison or in any other manner destroy or cause to be destroyed any trees covered by § 550-117, except in accordance with the provisions of § 550-117.
- (5) The enforcement of § 550-117 shall be the duty of Department of Community and Economic Development in coordination with the Division of Planning and Zoning and the Department of Public Works through the regulation, planting, care and control of shade, ornamental and evergreen trees in the streets, highways, public places of the Township and tree removal on all public and private lands within the Township.
- (6) All projects must adhere to the American Standard for Nursery Stock by the American National Standards Institute (ANSI) upon planting, removing, and pruning trees in accordance with § 550-117.

**B. Definitions.**

As used in § 550-117, the following terms shall have the meanings indicated:

**TOWNSHIP OF HAMILTON  
COUNTY OF MERCER, NEW JERSEY**

**ORDINANCE**

No. **25-025**

**ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE TOWNSHIP OF HAMILTON, NEW JERSEY, PART III, LAND USE LEGISLATION, CHAPTER 550, LAND DEVELOPMENT, ARTICLE IV, GENERAL REGULATIONS AND DESIGN STANDARDS, § 550-117, TREE REMOVAL AND REPLACEMENT, AND REPEALING THE PREVIOUS § 550-117, NATURAL FEATURES AND TREE PRESERVATION, IN ITS ENTIRETY**

**APPLICANT**

Applicant means any "person", as defined below, who applies for approval to remove trees regulated under § 550-117.

**CRITICAL ROOT RADIUS (CRR)**

The zone around the base of a tree where the majority of the root system is found. This zone is calculated by multiplying the diameter at breast height (DBH) of the tree by 1.5 feet. For example: a tree with a 6" DBH would have a CRR = 6"x1.5' = 9'.

**CALIPER: ANSI Z60 FOR NURSERY STOCK**

"Caliper" is a type of diameter measurement used in the nursery industry. The height measurement shall be taken from ground level for field-grown stock and from the soil line for container-grown stock, which should be at or near the top of the root flare. Caliper measurement of the trunk shall be taken six inches above the top of root flare up to and including four-inch caliper size. If the caliper at six inches above the ground exceeds four inches, the caliper should be measured at 12 inches above the top of root flare. Seldom are tree trunks perfectly round. The most accurate measurement will result from the use of a diameter tape. Caliper measurements taken with manual or electronic slot or pincer type caliper tools should be the average of the smallest and largest measurements.

**COMMUNITY FORESTRY MANAGEMENT PLAN**

A plan developed by the Shade Tree Commission of Hamilton Township that outlines the goals and objectives for managing trees on municipal property with the intent of minimizing liability to the municipality and maximizing the useful life of the tree resource. The plan is to be approved by the New Jersey Department of Environmental Protection, Division of Parks and Forestry, New Jersey Forest Service. The Shade Tree Commission shall aid in the implementation of the community forestry management plan.

**CONIFEROUS TREE**

A tree, most frequently evergreen, which bears cone fruits, such as junipers, pines and spruce.

**DIAMETER BREAST HEIGHT (DBH)**

The diameter of a tree measured 4 1/2 feet above the uphill/highest side.

**DECIDUOUS TREE**

Tree whose leaves drop off at the end of each growing season.

**DEAD TREE**

A tree which has ceased to physiologically function. Dead trees typically are devoid of leaves and have loose bark.

**DEPARTMENT OF PUBLIC WORKS**

Also known as "DPW" within § 550-117.

**DRIPLINE**

The imaginary circle on the ground directly below the outermost edge of a tree's canopy where water drips off.

**ENFORCEMENT AGENT**

The EA shall be the Township Zoning Officer.

**TOWNSHIP OF HAMILTON  
COUNTY OF MERCER, NEW JERSEY**

**ORDINANCE**                      No. **25-025**

**ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE TOWNSHIP OF HAMILTON, NEW JERSEY, PART III, LAND USE LEGISLATION, CHAPTER 550, LAND DEVELOPMENT, ARTICLE IV, GENERAL REGULATIONS AND DESIGN STANDARDS, § 550-117, TREE REMOVAL AND REPLACEMENT, AND REPEALING THE PREVIOUS § 550-117, NATURAL FEATURES AND TREE PRESERVATION, IN ITS ENTIRETY**

**EROSION**

The detachment and movement of soil or rock fragments by water, ice, wind and gravity.

**FOREST MANAGEMENT PLAN**

A plan for the management of timbered or forested lands approved by the New Jersey Department of Environmental Protection, New Jersey Forest Service, or similar state or federal agency.

**HAZARD TREE**

A tree or limbs 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. A tree with a structural defect that will make it likely to fall in whole or in part;
3. Is dead or dying;
4. Obstructs the view of traffic control devices or the free passage of pedestrians or vehicles, where pruning attempts have not been effective;
5. Is causing obvious damage to structures (such as building foundations, sidewalks, etc.); or
6. Is determined to be a threat to public property, health, safety, and/or welfare by a certified arborist or Licensed Tree Expert (LTE).

**HISTORIC TREE**

A tree that has been found to be of notable historic interest to Hamilton Township because of its age, type, size or historic association and which has been so designated and that designation has been officially made and promulgated as part of the official records of the Township.

**INVASIVE TREES**

Species of tree which is invasive to the Mid-Atlantic Region, grows aggressively, spreads and displaces other plants, and whose introduction causes or is likely to cause economic or environmental harm or harm to human health. Generally, these trees do not require a permit for removal upon notice provided to the Township.

**LICENSED TREE CARE OPERATOR/LTCO**

A licensed tree care operator (LTCO) licensed by the State of New Jersey. The LTCO can offer tree pruning, repairing, brush cutting or removal, tree removal and stump grinding or removal.

**LICENSED TREE EXPERT/LTE**

A license tree expert (LTE) licensed by the State of New Jersey. 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 application of pesticides or any other form of tree maintenance.

**TOWNSHIP OF HAMILTON  
COUNTY OF MERCER, NEW JERSEY**

**ORDINANCE**

No. **25-025**

ORDINANCE AMENDING AND SUPPLEMENTING THE *CODE OF THE TOWNSHIP OF HAMILTON, NEW JERSEY, PART III, LAND USE LEGISLATION, CHAPTER 550, LAND DEVELOPMENT, ARTICLE IV, GENERAL REGULATIONS AND DESIGN STANDARDS, § 550-117, TREE REMOVAL AND REPLACEMENT, AND REPEALING THE PREVIOUS § 550-117, NATURAL FEATURES AND TREE PRESERVATION, IN ITS ENTIRETY*

**OPEN SPACE**

Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use and enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open spaces, provided that such areas may be improved with only those buildings, structures, streets and off-street parking and other improvements that are designated to be incidental to the natural openness of the land.

**PERSON**

Any individual, resident, corporation, utility, company, partnership, firm, or association.

**REPLACEMENT TREE**

A nursery-grown certified tree, properly balled and burlapped, container grown or bare root, and marked with a durable label indicating genus, species and variety, satisfying the standards established for nursery stock and installation thereof, set forth by the most recent publications of the American Association of Nurserymen.

**RESIDENT**

An individual who resides on the residential property or contractor hired by the individual who resides on the residential property where a tree(s) regulated by § 550-117 is removed or proposed to be removed.

**SHADE TREE COMMISSION (STC)**

Shade tree commissions formed by municipal ordinance, N.J.S.A. 40:64-1 et seq. See § 5-174 et seq.

**SILVICULTURE**

The art and science of growing and caring for forests to meet specific goals, such as producing timber, creating wildlife habitats, or maintaining watershed health. It involves planning and implementing treatments like harvesting, tending, and regeneration throughout a forest's life cycle to control its establishment, growth, composition, and health. Key components include understanding site conditions and using various methods like clearcutting or selective cutting to achieve desired outcomes sustainably.

**SPECIMEN TREE**

Any tree in fair or better condition which is so designated by the Shade Tree Commission based on considerations of whether the tree is a rare species or specimen thereof; is abnormal in height, trunk diameter or dripline circumference for a tree of its species; has foliage of an unusual quality for a tree of its species; occupies a location which confers special shade tree, fragrance, erosion control, aesthetic, scenic enhancement, historic, preservation or cultural values to the community. For purposes of this definition, "in fair or better condition" shall mean that a tree has a relatively sound and solid trunk with no evidence of extensive decay or visual evidence of being hollow and with no major insect or pathological problem.

**STREET TREE**

A tree planted in the sidewalk, planting strip, and/or in the public right-of-way adjacent to (or specified distance from) the portion of the street reserved for vehicular traffic. This also includes trees planted in planting strips within the roadway right-of-way, i.e., islands, medians, pedestrian refuges.

**TOWNSHIP OF HAMILTON  
COUNTY OF MERCER, NEW JERSEY**

**ORDINANCE**                      No. **25-025**

**ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE TOWNSHIP OF HAMILTON, NEW JERSEY, PART III, LAND USE LEGISLATION, CHAPTER 550, LAND DEVELOPMENT, ARTICLE IV, GENERAL REGULATIONS AND DESIGN STANDARDS, § 550-117, TREE REMOVAL AND REPLACEMENT, AND REPEALING THE PREVIOUS § 550-117, NATURAL FEATURES AND TREE PRESERVATION, IN ITS ENTIRETY**

**TREE**

A woody perennial plant, typically having a single stem or trunk growing to a considerable height and bearing lateral branches at some distance from the ground. This definition includes all deciduous and evergreen trees.

**TREE ESCROW FUND**

This fund shall be separately maintained by the Township for the purpose of reestablishing and maintaining tree cover through the Township.

**TREE PLANTING PLAN**

A specific plan adopted by Hamilton Township for the location and placement of trees on public property.

**TREE PRESERVATION AND REMOVAL PLAN (TREE SAVE PLAN)**

A specific plan that contains tree locations and other information in accordance with Section F herein.

**TREE REMOVAL**

To kill or to cause irreparable damage that leads to the decline and/or death of a tree. This includes, but is not limited to, 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 around the base of the tree that leads to the decline and/or death of a tree. Removal does not include responsible pruning and maintenance of a tree, or the application of treatments intended to manage invasive species.

**TREE REMOVAL APPROVAL**

The approval issued by the Department of Public Works, Department of Community and Economic Development or its designee to remove or destroy a tree or trees.

**TREE REPLACEMENT PLAN**

A specific plan for replacement of removed trees in accordance with the provision of this chapter.

**C. Applicability.**

The terms and provisions of this chapter shall apply as follows:

- (1) No person shall remove or cause to remove trees with a DBH of four (4) inches or more or an ornamental or evergreen tree with a height of six (6) feet or more without first having obtained written approval from the Township as provided herein, except as noted in Section D (1) (I) below.
- (2) Specimen and historic trees.
  - (a) Trees which have been designated as specimen or historic under the provisions of § 550-117 shall be maintained in a living condition, and no person shall remove such tree. No specimen or historic tree shall be removed unless the applicant has obtained the approval of Hamilton Township.

**TOWNSHIP OF HAMILTON  
COUNTY OF MERCER, NEW JERSEY**

**ORDINANCE**

No. **25-025**

ORDINANCE AMENDING AND SUPPLEMENTING THE *CODE OF THE TOWNSHIP OF HAMILTON, NEW JERSEY, PART III, LAND USE LEGISLATION, CHAPTER 550, LAND DEVELOPMENT, ARTICLE IV, GENERAL REGULATIONS AND DESIGN STANDARDS, § 550-117, TREE REMOVAL AND REPLACEMENT, AND REPEALING THE PREVIOUS § 550-117, NATURAL FEATURES AND TREE PRESERVATION, IN ITS ENTIRETY*

(b) The condition of trees proposed to be saved shall be evaluated by use of guides as follows:

1. Evaluation of Hazard Trees in Urban Areas, ISA Books, Nelda Matheny and James R. Clark.
2. Urban Tree Risk Management, USDA Forest Service, Northeastern Area.
3. The Guide for Plant Appraisal, the Council of Tree and Landscape Appraisers.

**D. Exemptions.**

(1) All persons shall comply with the tree replacement standard outlined in this chapter, except in the cases detailed below. Proper justification shall be provided, in writing, to the municipality by all persons claiming an exemption. Photographs shall also be provided for review. The provisions of this chapter shall not apply to the following:

- (a) Invasive tree species.
- (b) Any tree of less than four inches DBH.
- (c) Properties used for the practice of silviculture under an approved forest stewardship or woodland management plan that is active and on file with the municipality.
- (d) Any tree or trees planted and grown for commercial purposes on property used as an active commercial nursery, tree farm, garden center, Christmas tree farm or tree orchard.
- (e) Approved game management practices, as recommended by the State of New Jersey Department of Environmental Protection, Division of Fish, Game and Wildlife.
- (f) Hazard trees may be removed without Township approval.
- (g) The clearance of power line rights-of-way by companies regulated by the New Jersey Board of Public Utilities.
- (h) Trees removed in the course of an emergency declared by the Federal, State, or Township Government.
- (i) Trees removed during the replacement or repair of a residential individual subsurface sewage disposal systems and/or the replacement or repair of a domestic water supply.
- (j) Trees removed in conjunction with the Right to Farm Act, on qualifying farms.
- (k) All properties operated by state, county, or municipal governments for parks, recreation or open space.

**TOWNSHIP OF HAMILTON  
COUNTY OF MERCER, NEW JERSEY**

**ORDINANCE**

No. **25-025**

ORDINANCE AMENDING AND SUPPLEMENTING THE *CODE OF THE TOWNSHIP OF HAMILTON, NEW JERSEY, PART III, LAND USE LEGISLATION, CHAPTER 550, LAND DEVELOPMENT, ARTICLE IV, GENERAL REGULATIONS AND DESIGN STANDARDS, § 550-117, TREE REMOVAL AND REPLACEMENT, AND REPEALING THE PREVIOUS § 550-117, NATURAL FEATURES AND TREE PRESERVATION, IN ITS ENTIRETY*

- (l) Residents who remove four (4) trees or less per acre that fall into category 1, 2, 3, 4 or 5 of the Tree Replacement Requirements Table within a five-year period. While all homeowners shall notify the Hamilton Township Department of Community and Economic Development in order to track the number and categories of tree removed at each address, a removal and permit fee will be waived in this instance.

**E. Tree removal approval.**

- (1) Any person wishing to obtain a tree removal approval shall notify the Township by filing a request in writing and paying such fees (if required) as are set forth Section I herein. No approval shall be issued until a tree preservation and removal plan for the lot or parcel has been reviewed and approved as compliant with Section F by Hamilton Township, as required.
- (2) All applications to the Planning Board or Zoning Board of Adjustment for approval of a major subdivision, minor subdivision, any site plan, or variance requiring tree removal shall submit a tree removal and tree replacement plan. No site work shall commence, including soil erosion control measures, until the tree removal and the replacement plan is approved by the Department of Community and Economic Development.
- (3) Where tree removal is proposed for purposes not related to major subdivision, minor subdivision, site plan, or variance approval, a request for a tree removal shall be submitted to the Township providing the following information:
- (a) Required information:
1. Street address of property with block and lot identified;
  2. Name of owner of property, phone number and name of occupant of premises and phone number, if applicable;
  3. Total acreage of the tract;
  4. Location of all proposed trees having a DPM of four inches or greater to be cut, removed or damaged in such a way as to cause a need for their removal, noting each tree by its species, size and general health condition;
  5. The applicant shall identify the land upon which the tree(s) are located, preferably on a survey, plot plan, or hand drawing to scale;
  6. Reason for the removal, including a description of the type of tree removal.
  7. Identification of any tree professional involved in the project.
- (4) All required escrow and bond fees for any application, including required tree replacements or fees, shall be verified as paid prior to the issuance of the tree removal approval.

**TOWNSHIP OF HAMILTON  
COUNTY OF MERCER, NEW JERSEY**

**ORDINANCE**                      No. **25-025**

**ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE TOWNSHIP OF HAMILTON, NEW JERSEY, PART III, LAND USE LEGISLATION, CHAPTER 550, LAND DEVELOPMENT, ARTICLE IV, GENERAL REGULATIONS AND DESIGN STANDARDS, § 550-117, TREE REMOVAL AND REPLACEMENT, AND REPEALING THE PREVIOUS § 550-117, NATURAL FEATURES AND TREE PRESERVATION, IN ITS ENTIRETY**

- (5) Inspections. After the tree removal request is complete and reviewed, the Township shall inspect the trees and property which are the subject of the request within 30 days.
- (6) Removal approval or denial. The Township shall approve or deny the tree removal request within 10 business days after completion of the inspection. The Township shall notify the applicant in writing of the factual basis and criteria for any denial. The final decision of the Township may be appealed as noted in Section E (7) of § 550-117.
- (7) If a tree removal request is denied by the Township, the applicant shall have a right to appeal the decision. The appeal shall be made to the Hamilton Township Board of Adjustment within 10 days of receipt of the notice of permit denial.

**F. Tree preservation and removal plan.**

- (1) A tree preservation and removal plan, if and where required shall be submitted to the Department of Community and Economic Development for review and approval. Applications that require Planning Board or Zoning Board approval shall have the tree preservation and removal plans as part of the submittal to the Planning Board or Zoning Board. Tree preservation and removal plans shall contain the following:
  - (a) The name and address of the applicant.
  - (b) The name and address of the owner of the property from which the trees are to be removed.
  - (c) The lot and block of the property.
  - (d) The shape and dimensions of the lot or parcel, including the location of all existing and proposed easements. If the tree removal approval is for a single-family residence, the plan shall consist of a tree location sketch containing the minimum amount of pertinent information to enable the determination of compliance with the regulations in this chapter, including the information set forth in Subsections (d) (1), (2), (6) and (8) below. The plan for any other property shall include a survey prepared by a licensed land surveyor that contains tree locations. The survey shall contain, at a scale of no less than one inch equals 50 feet, the following information:
    - 1. The existing and proposed tree preservation limits.
    - 2. The proposed limit of the clearing and all individual trees to be retained outside the tree clearing identified, such as flagging, prior to the field inspection. All trees within the limits of clearing/removal that are four (4) inches and greater shall be inventoried with species noted.
    - 3. The installation and limits of a temporary existing tree protection fence along the limits of the proposed tree removal shall be in compliance with Section J.

TOWNSHIP OF HAMILTON  
COUNTY OF MERCER, NEW JERSEY

ORDINANCE No. **25-025**

ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE TOWNSHIP OF HAMILTON, NEW JERSEY, PART III, LAND USE LEGISLATION, CHAPTER 550, LAND DEVELOPMENT, ARTICLE IV, GENERAL REGULATIONS AND DESIGN STANDARDS, § 550-117, TREE REMOVAL AND REPLACEMENT, AND REPEALING THE PREVIOUS § 550-117, NATURAL FEATURES AND TREE PRESERVATION, IN ITS ENTIRETY

4. Locations of all forest types shall be identified by common and botanical names of dominant tree species.
5. All specimen and historic trees to be removed shall be indicated on the plan. All reasonable efforts shall be made to preserve such trees, including, but not limited to, if feasible, relocation of infrastructure, roadways and buildings. Removal of such trees shall require specific written approval of the governing body with consideration of the DPW's recommendations.
6. A proposed tree replacement plan in accordance with § 550-117. A tree replacement plan is required and shall not count towards the minimum landscape plan or buffering requirements for any subject property.
7. A North arrow.
8. The location of existing and proposed structures and improvements, if any.

G. Criteria for issuance of removal approvals.

- (1) Upon completion of a field inspection and review (if deemed necessary) of any requested removals, the Township shall approve the removal request if:
  - (a) The tree preservation and removal plan is compliant with Section F:
  - (b) The tree replacement plan is approved by the Township;
  - (c) None of the conditions set forth below in Section G (2) below exists;
  - (d) At least one of the criteria as follows has been satisfied:
    1. The tree is located in an area where a structure or improvements will be placed in accordance with the approval of Planning/Zoning Boards and the tree cannot be relocated on the site because of age, type or size of the tree.
    2. The tree is dead, diseased, injured, in danger of falling, is too close to existing or proposed structures, interferes with existing utility service, creates unsafe vision or clearance or conflicts with other ordinances or regulations.
    3. The tree is to be removed for harvesting as a commercial product or for the purpose of making land available for farming or other agricultural activity, or is to be removed in furtherance of a forest management plan or soil conservation plan, or to serve some other purpose which is consistent with the purposes of § 550-117.
- (2) The Township may deny a request if the removal will contribute to extra runoff of surface water onto adjacent properties, erosion or silting, and such conditions are not otherwise satisfactorily abated, or if the tree removal causes:

**TOWNSHIP OF HAMILTON  
COUNTY OF MERCER, NEW JERSEY**

**ORDINANCE**

**No. 25-025**

**ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE TOWNSHIP OF HAMILTON, NEW JERSEY, PART III, LAND USE LEGISLATION, CHAPTER 550, LAND DEVELOPMENT, ARTICLE IV, GENERAL REGULATIONS AND DESIGN STANDARDS, § 550-117, TREE REMOVAL AND REPLACEMENT, AND REPEALING THE PREVIOUS § 550-117, NATURAL FEATURES AND TREE PRESERVATION, IN ITS ENTIRETY**

- (a) Impairment to the growth or development of remaining trees on the applicant's property or upon adjacent properties;
- (b) Soil instability;
- (c) Dust;
- (d) Drainage or sewerage problems;
- (e) Dangerous or hazardous conditions; or
- (f) Depression of the value of adjacent properties.

**H. Fees.**

**(1) Tree Escrow Fund.**

- (a) A Tree Escrow Fund exists and is maintained by Hamilton Township to receive and disburse replacement tree contributions. Appropriations from the Tree Fund shall be authorized by the Hamilton Council.
- (b) The primary purpose of said fund is to provide funds for the planting, reforestation and maintenance of trees on public property.

**I. Tree Replacement.**

**(1) Tree replacement schedule.**

- (a) Any tree removed pursuant to a tree removal notification shall be replaced as provided below, unless said tree is located in an exempt area, is dead or fatally diseased as determined by a certified tree expert, or tree replacement payment is made. Tree replacement shall be required in accordance with the standards set forth in ANSI Z60.1, American Standard for Nursery Stock.
- (b) Any residential tree removed pursuant to this chapter, unless exempt under Section D, shall be replaced based on the following:
  - 1. For each tree removed with a size between 4" caliper and 10" caliper – one (1) tree not less than 1 ¾" to 2" caliper shall be replanted on the same property or pay a fee of \$400.00 per tree.
  - 2. For each tree removed with a size between 10" caliper and 16" caliper – two (2) trees not less than 1 ¾" to 2" caliper shall be replanted on the same property or pay a fee of \$400.00 per tree.
  - 3. For each tree removed with a size between 16" caliper and 23" caliper – three (3) trees not less than 1 ¾" to 2" caliper shall be replanted on the same property or pay a fee of \$400.00 per tree.
  - 4. For each tree removed with a size between 23" caliper and 30" caliper – four (4) trees not less than 1 ¾" to 2" caliper shall be replanted on the same property or pay a fee of \$400.00 per tree.

**TOWNSHIP OF HAMILTON  
COUNTY OF MERCER, NEW JERSEY**

**ORDINANCE**

No. **25-025**

**ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE TOWNSHIP OF HAMILTON, NEW JERSEY, PART III, LAND USE LEGISLATION, CHAPTER 550, LAND DEVELOPMENT, ARTICLE IV, GENERAL REGULATIONS AND DESIGN STANDARDS, § 550-117, TREE REMOVAL AND REPLACEMENT, AND REPEALING THE PREVIOUS § 550-117, NATURAL FEATURES AND TREE PRESERVATION, IN ITS ENTIRETY**

5. For each tree removed greater than 30" caliper – five (5) trees not less than 1 ¾" to 2" caliper shall be replanted on the same property or pay a fee of \$400.00 per tree.
- (c) In cases where the tree cost requirement criteria is combined with other criteria of § 550-117, the value of proposed shade, ornamental and evergreen material shall be deducted from the calculated amount for replacement trees. The value of the proposed landscape material shall be calculated based upon average local material costs for planting.
- (d) All street tree replacements are a 1 for 1 replacement value and requires coordination with the Township.
- (e) All trees removed on commercial property (non-residential) shall be replaced on a 1 to 1 basis, as determined by the site's previously approved site plan or other approvals.
- (f) Tree Replacement Values will be reviewed and adjusted on an annual basis, and if necessary, adjusted to reflect current costs.
- (g) All replacement trees may be planted on site, unless all of the replacement trees cannot be physically accommodated. In such instance, the applicant shall pay the tree replacement fee in accordance with the schedule noted above.
- (h) For wooded lots, natural wooded settings and contiguous forested areas, refer to § 550-117 K (4) below for fees.
- (2) Replacement trees planted on the subject commercial or industrial property (non-residential) shall be planted within one year of tree removal or be installed prior to obtaining a certificate of occupancy for new buildings erected on site and shall be covered by a two-year maintenance guarantee/bond once all trees are installed. Replacement trees planted on residential property (single lots) shall be planted within one (1) year of tree removal and a warranty shall be provided by the nursery supplier or installer for one (1) full year after installation. If replacement trees die during a warranty or maintenance period the tree shall be replaced in kind.
- J. Protection of existing trees during construction.
- (1) Prior to construction and any tree removals, suitable tree protective barriers shall be erected (such as fencing minimum four feet in height), and this protection, where required, shall remain until such time as all site work is completed or after issuance of a final certificate of occupancy. In addition, during construction, no attachments or wires shall be attached to any of said trees so protected. Where some grading must take place within the dripline of trees in the protection zone, appropriate measures shall be taken to minimize impact to the trees. Any trees seriously damaged during construction must be professionally treated by an LTE or replaced if the damage is beyond treatment.

**TOWNSHIP OF HAMILTON  
COUNTY OF MERCER, NEW JERSEY**

**ORDINANCE**

**No. 25-025**

**ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE TOWNSHIP OF HAMILTON, NEW JERSEY, PART III, LAND USE LEGISLATION, CHAPTER 550, LAND DEVELOPMENT, ARTICLE IV, GENERAL REGULATIONS AND DESIGN STANDARDS, § 550-117, TREE REMOVAL AND REPLACEMENT, AND REPEALING THE PREVIOUS § 550-117, NATURAL FEATURES AND TREE PRESERVATION, IN ITS ENTIRETY**

- (2) The self-supported protective barrier shall be placed at the dripline of any tree along the limit of clearing and around the entire dripline for trees to remain undisturbed within the limit of clearing.
- (3) No person, in the construction of any structure or other improvement, shall place solvents, material, construction machinery or temporary soil deposits within the dripline.

**K. Preservation of Natural Features.**

- (1) Natural features, such as trees, hilltops and views, natural terrain, open waters and natural drainage lines, shall be preserved whenever possible in designing any development containing such features.
- (2) No topsoil shall be removed from areas intended for lawn or open space. Topsoil moved during the course of construction shall be redistributed so as to provide at least four inches of cover to all such areas, which shall be stabilized by approved seeding and/or planting.
- (3) All trees not otherwise determined to be a hazard or dead tree, which exist on the site, shall be preserved. Stripping trees from a lot or filling around trees on a lot shall not be permitted unless it can be shown that grading or construction requirements necessitate removal of trees, in which case those lots shall be replanted with trees to reestablish the tone of the area.
- (4) Where contiguous areas of trees exist in a natural massing (i.e. wooded lots or large stands of maturing shade trees), a tree removal fee shall be applied. Large-growing deciduous trees shall be planted using a ratio of one hundred (100) trees planted for every one acre of woodlands lost. Trees shall be a minimum of one and one half (1 ½) inches to two (2") inches caliper at time of planting. Large-growing conifers may be substituted for the above-required deciduous trees at a ratio of three conifers for every one deciduous tree required. No more than 40% of the required replantings, however, may be conifers. Conifers must be a minimum of six (6') feet at time of planting. The above formula represents requirements for plantings over and above required street tree plantings and landscape packages (§ 550-130) in residential developments and required street tree plantings, buffers and parking lot plantings in nonresidential developments. Should it be determined by the Planning Board or the Zoning Board of Adjustment that plantings required in this section cannot be accommodated on the subject site, the applicant/developer will be required to contribute trees to the Township at a rate of 130% of the required number of trees specified with a replacement tree value of \$400.00 per tree. See § 550-130 for additional standards.

**L. Emergencies.**

In case of emergencies, such as hurricanes, fire, windstorm, ice storm, flood, freezing temperatures or other disaster, or in the case of dead or diseased trees which are a hazard to persons or property, the requirements of the regulations set forth in this chapter may be waived by the Township upon a finding that such waiver is necessary so that the public or private work to restore order on the property in the Township will not be impeded.

**M. Stop-work orders.**

**TOWNSHIP OF HAMILTON  
COUNTY OF MERCER, NEW JERSEY**

**ORDINANCE**

No. **25-025**

**ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE TOWNSHIP OF HAMILTON, NEW JERSEY, PART III, LAND USE LEGISLATION, CHAPTER 550, LAND DEVELOPMENT, ARTICLE IV, GENERAL REGULATIONS AND DESIGN STANDARDS, § 550-117, TREE REMOVAL AND REPLACEMENT, AND REPEALING THE PREVIOUS § 550-117, NATURAL FEATURES AND TREE PRESERVATION, IN ITS ENTIRETY**

- (1) The Enforcement Agent is hereby authorized to issue stop-work orders to the holder of the tree removal approval in the event that there is:
- (a) A failure to comply with the approved plan, such as a site plan, forest management plan or soil conservation plan;
  - (b) Noncompliance with the tree removal approval granted pursuant to this chapter; or
  - (c) Noncompliance with the provisions of this chapter.
- (2) The stop-work order shall remain in effect until the proper Township representatives have determined that the resumption of work will not violate the plans, approvals or the provisions of this chapter.

**N. Enforcement.**

The Department of Public Works shall oversee all tree removals pursuant to prior notifications/requests received by the applicant. The Department of Public Works or their representative shall conduct adequate inspections of all sites for which a tree removal approval has been issued. Upon the ascertainment of a violation of this chapter, the Department of Public Works shall refer enforcement actions to the Enforcement Agent.

**O. Violations and penalties.**

Any person violating any of the provisions of § 550-117 shall, upon conviction of such violation, be punishable by one or more of the following penalties: by a fine not exceeding \$2,000, or by imprisonment for a term not exceeding 90 days, or by a period of community service not exceeding 90 days, in the discretion of the judge. The cutting, destruction or removal of each tree shall be considered a separate violation. Notwithstanding any conviction, all provisions of § 550-117 shall continue to apply.

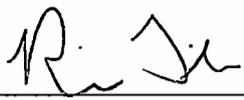
**TOWNSHIP OF HAMILTON  
COUNTY OF MERCER, NEW JERSEY**

**ORDINANCE**

No. **25-025**

**ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE TOWNSHIP OF HAMILTON, NEW JERSEY, PART III, LAND USE LEGISLATION, CHAPTER 550, LAND DEVELOPMENT, ARTICLE IV, GENERAL REGULATIONS AND DESIGN STANDARDS, § 550-117, TREE REMOVAL AND REPLACEMENT, AND REPEALING THE PREVIOUS § 550-117, NATURAL FEATURES AND TREE PRESERVATION, IN ITS ENTIRETY**

Any Ordinance or Ordinances in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

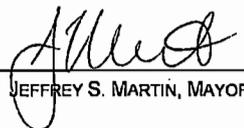
  
\_\_\_\_\_  
PRESIDENT

  
\_\_\_\_\_  
MUNICIPAL CLERK

RECORD OF VOTE													
First Reading							Second Reading						
COUNCIL	AYE	NAY	NV	AB	ORD	SEC	COUNCIL	AYE	NAY	NV	AB	ORD	SEC
ANTHONY P. CARABELLI, JR.	✓						ANTHONY P. CARABELLI, JR.	✓					
NANCY PHILLIPS	✓					✓	NANCY PHILLIPS	✓					✓
CHARLES F. WHALEN	✓				✓		CHARLES F. WHALEN	✓					
PASQUALE "PAT" PAPERIO, JR.	✓						PASQUALE "PAT" PAPERIO, JR.	✓				✓	
RICHARD L. TIGHE, JR.	✓						RICHARD L. TIGHE, JR.	✓					

X - Indicates Vote    A.B. - Absent    N.V. - Not Voting    ORD. - Moved    SEC. - Seconded

REJECTED \_\_\_\_\_  
APPROVED

  
\_\_\_\_\_  
JEFFREY S. MARTIN, MAYOR

12/3/2020  
\_\_\_\_\_  
DATE

RECONSIDERED BY COUNCIL \_\_\_\_\_      OVERRIDE VOTE    AYE \_\_\_\_\_    NAY \_\_\_\_\_

C:\Users\labriscese\ND Office Echo\VAULT-BGGBLTSN\Ord.Sec550-117.Repeal&Replace.10072025 4918-0985-5854 v.1.docx