

ORDINANCE 2026-8

**ORDINANCE CREATING CHAPTER 82 THE CODE OF THE BOROUGH OF NEWFIELD,
ENTITLED "TREE REMOVAL, PROTECTION AND REPLACEMENT"**

WHEREAS, the Borough of Newfield is a municipal entity organized and existing under the laws of the State of New Jersey and located in Gloucester County; and

WHEREAS, the Borough of Newfield seeks to protect the health, safety and welfare of persons and property within the Borough of Newfield by requiring the licensing which seeks to ensure the proper operation, procedures, future development and safeguards involving all soil and fill importation and placement activities within the Borough; and

WHEREAS, the Borough seeks to establish requirements for tree removal and replacement in the Borough of Newfield to reduce soil erosion and pollutant runoff, promote infiltration of rainwater into the soil, and to protect the environment, public health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Borough Council of the Borough of Newfield, County of Gloucester, State of New Jersey, that Chapter 82 entitled "Private Property Tree Removal and Replacement" shall be enacted as follows:

Section 1: Chapter §82 is enacted as follows:

CHAPTER 82. TREE REMOVAL, PROTECTION AND REPLACEMENT

§ 82-1. Scope and purpose.

Mayor and Council of the Borough of Newfield finds that the preservation, maintenance, protection and planting of trees aids in the stabilization of soil be the prevention of erosion and sedimentation; reduces stormwater runoff and the potential damage that it may create; aids in the removal of pollutants from the air and assists in the generation of oxygen; provides a buffer and screen against noise and pollution; provides protection against severe weather; mitigates the urban heat island effect; aids in the control of drainage and restoration of denuded soil subsequent to construction or grading; protects and increases property values; preserves and enhances the Borough's physical and aesthetic appearance; and generally protects the public health and safety as well as the general welfare.

§ 82-2. Definitions.

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

APPLICANT

Means any "person," as defined below, who applies for approval to remove trees regulated under this chapter.

CLEAR ZONE

Means the part of a street right-of-way between the public right-of-way and the portion of the street reserved for vehicular traffic or between the abutting property line and the curb or traveled portion of the street, exclusive of any sidewalk. Trees in the clear zone are regulated under Chapter 7 entitled "Shade Tree Commission."

CRITICAL ROOT RADIUS (CRR)

Means 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 six-inch DBH would have a CRR = 6"x 1.5' = 9'.

DIAMETER AT BREAST HEIGHT (DBH)

Means the diameter of the trunk of a mature tree generally measured at a point 4 1/2 feet above ground level from the uphill side of the tree. For species of trees where the main trunk divides below the 4 1/2-foot height, the DBH shall be measured at the highest point before any division.

HAZARD TREE

Means 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.

- A. Has an infectious disease or insect infestation;
- B. Is dead or dying;
- C. Obstructs the view of traffic signs or the free passage of pedestrians or vehicles, where pruning attempts have not been effective;
- D. Is causing obvious damage to structures (such as building foundations, sidewalks, etc.); or
- E. Is determined to be a threat to public health, safety, and/or welfare by a certified arborist or NJ Licensed Tree Expert (LTE) or licensed tree care operator (LTCO).

PERSON

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

RESIDENT

Means 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 this chapter is removed or proposed to be removed.

STREET TREE

Means a tree planted in the 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. Street trees are regulated under Chapter 7 entitled "Shade Tree Commission."

TREE

Means 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.

TREE CALIPER

Means the diameter of the trunk of a young tree, measured six inches from the soil line. For young trees whose caliper exceeds four inches, the measurement is taken 12 inches above the soil line.

TREE REMOVAL

Means 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.

§ 82-3. Permit required.

Except as exempted herein, no person, firm or corporation shall cut, remove, injure or damage any street tree as defined in §82-2 with a DBH of 2.5 inches or more or any non-street tree of six (6) inches or more on any property in the Borough of Newfield without obtaining a tree removal permit in accordance with the regulations and provisions of this chapter.

§ 82-4. Application procedure.

A. Application for a tree removal permit shall be made by submission of the following:

- (1) An application form provided by the Borough containing the following information: the name and address of the applicant; their email address and phone number; the street address of the property in question and the number of tree(s) to be removed.
- (2) The reason(s) for removing the trees.
- (3) Any tree removal application, with an approved Planning Board site plan or subdivision, shall post a guaranty equal to 120% of the estimate to plant or replace same. The guaranty is applicable where the project is for new development or construction.
- (4) A tree removal application shall include a tree removal plan with a diagram showing the location of all the trees to be removed, the species of such trees, their diameter, the drip line of the trees to be removed and location of all existing and proposed structures on the property, and property lines. A reproduction of the Tax Map or an existing survey would be acceptable.

B. The fee for processing a tree removal permit shall be charged. The fee schedule is:

- (1) One to five trees: \$50
- (2) Six trees or more: \$10 per tree.
- (3) For a subdivision or major site plan development application, the fee to be charged will be determined either by the above formula or at a fee of \$1,860 per acre, whichever is greater.

C. The applicant shall place a one-inch wide yellow ribbon around the trunk of each tree to be removed at a height of 4-1/2 feet above the ground so that the proposed tree removal may be inspected in the field.

D. Tree Replacement requirements.

- (1) Any person who removes one or more street tree(s) with a DBH of 2.5 inches or more, unless exempt, shall be subject to the requirements of the Tree Replacement Requirements Table below.
- (2) Any person who removes one or more non-street tree(s), unless exempt, with a DBH of six inches unless otherwise detailed under § 82-4, shall be subject to the requirements of the Tree Replacement Requirements Table.
- (3) The species type and diversity of replacement trees shall be in accordance with a list of approved trees and planting requirements (Exhibit A attached).

(4) Replacement tree(s) shall:

- a. Be replaced in kind with a tree that meets the tree replacement criteria below;
- b. Be planted with 12 months of the date of removal of the original tree(s) or at an alternative date specified by the municipality;
- c. Shall be monitored for a period of two years to ensure their survival and shall be replaced as needed within 12 months; and
- d. Shall not be planted in temporary containers or pots, as these will not count towards tree replacement requirements.

Tree Replacement Requirements Table:		
Category	Tree Removed (DBH)	Criteria (See Appendix A)
1	DBH of 6 inches (for non-street trees) to 12.99 inches	Replant 1 tree with a minimum tree caliper of 1.5 inches for each tree removed
2	DBH of 13 inches to 22.99 inches	Replant 2 trees with minimum tree calipers of 1.5 inches for each tree removed
3	DBH of 23 inches to 32.99 inches	Replant 3 trees with minimum tree calipers of 1.5 inches for each tree removed
4	DBH of 33 inches or greater	Replant 4 trees with minimum tree calipers of 1.5 inches for each tree removed

(5) Replacement alternatives: If the municipality determines that some or all required replacement trees cannot be planted on the property where the tree removal activity occurred, then the applicant shall do one of the following:

- a. Plant replacement trees in a separate area(s) approved by the municipality.
- b. Pay a fee of per tree in an amount equal to \$75 per tree for all residential applications less than 36 inches in diameter of tree(s) removed, and \$150 per tree greater than 36 inches in diameter tree(s) removed and \$300 for all commercial applications. The Borough will then release the applicant from the requirement of planting a new tree(s) on that site. This fee shall be placed into a fund dedicated to tree planting and continued maintenance of the trees.

§ 82-5. Exemptions.

All persons shall comply with the tree replacement standard outlined above, except in the cases detailed below. Proper justification shall be provided, in writing, to the municipality by all persons claiming an exemption. Exemptions shall be granted at the discretion of the Borough Engineer or his designee upon review of applications for tree removal.

- A. The removal of less than four trees per acre that fall into Category 1, 2, or 3 of the Tree Replacement Requirements Table within a five-year period.

- B. Tree farms in active operation, nurseries, fruit orchards and garden centers.
- 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 trees removed as part of a municipal or state decommissioning plan. This exemption only includes trees planted as part of the construction and predetermined to be removed in the decommissioning plan;
- E. Any trees removed 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;
- F. Approved game management practices, as recommended by the State of New Jersey Department of Environmental Protection, Division of Fish, Game and Wildlife;
- G. Hazard trees may be removed with no fee or replacement requirement.
- H. Removal of invasive species are exempt from permits and limitations; however, an NJ Licensed Tree Expert must inspect the tree and issue a written report that the tree is considered an invasive species in NJ. Examples include Bradford Pear, Tree of Heaven, and Norway Maple.
- I. Replacement of a septic system requiring removal of trees as specified by a professional engineering drawing submitted and approved by the Borough of Newfield.

§ 82-6. Protection of existing trees.

- A. In connection with any construction, subsequent to tree clearing but prior to the issuance of a building permit or start of construction, snow fencing or other protective barrier acceptable to the Code Enforcement Officer shall be placed around the trees that are not removed. The protective barriers shall be placed at least nine feet from trunk of any tree and shall remain in place until all construction has been completed. All construction materials shall be placed outside any area so protected by barriers. Any landscaping activities subsequent to the removal of the barriers shall be accomplished with light machinery or hand labor.
- B. No person shall:
 - (1) Cut down or remove any tree except as permitted by this Chapter or allow or cause such cutting or removal.
 - (2) Cause or allow any willful damage, injury or disfigurement of any tree growing within the Borough. For purposes of this subsection, the actions of any person shall be deemed willful if the damage, injury or disfigurement of any tree is caused as the result of but not limited to the following: cutting, gashing or slitting of any tree, or on the nearby ground, the construction or placement of nonporous material on the ground around any tree so as to cut off air, light, or water from the roots; placement or removal of any soil from within nine feet of any tree as defined in § 82-2 above.
 - (3) Place a rope, wire, sign etc., upon any tree upon any Borough street, right-of-way, etc., except as may be approved by the Borough of Newfield.
 - (4) Fasten or attach an animal or cause or allow an animal to injure a tree upon any Borough street, right-of-way, etc.
 - (5) Without prior approval, spray a tree or an area adjacent to a tree with any chemical so as to cause injury or death of said tree.
 - (6) Remove or damage any guard or device placed to protect a tree.
 - (7) Store or pile building material or temporary soil deposits or debris or place construction debris within nine feet of any tree as defined in § 82-2.

§ 82-7. Enforcement.

This chapter shall be enforced by the Borough Engineer or his designee during the course of ordinary enforcement duties.

§ 82-8. Violations and penalties.

Any person(s) who is found to be in violation of the provisions of this chapter shall be subject to a fine not exceeding \$1,000 or the replacement cost of the tree or both for each tree removed or damaged in violation of this chapter. Each tree shall be deemed a separate offense.

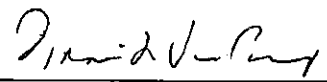
Section 2: All other Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

Section 3: If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such subdivision, clause or provision and the remainder of this Ordinance shall be deemed valid and effective.

Section 4: This Ordinance shall take effect immediately upon final passage and publication as required by law.

Introduced: 6-11-24
Public Hearing: 7-9-24
Adopted: 7-9-24


CHARLES D. GROVA, JR., Mayor

ATTEST: 
Toni L. Van Camp, Clerk

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed on first reading at a Regular Meeting of the Borough Council of the Borough of Newfield, in the County of Gloucester , State of New Jersey, held on June 11th, 2026, and will be considered for second reading and final passage at the Regular Meeting of Governing Body to be held on the 9th day of July, 2026, at 7:00 p.m

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BY ORDER OF THE BOROUGH COUNCIL

Toni L. Van Camp, RMC
Clerk

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed on first reading at a Regular Meeting of the Borough Council of the Borough of Newfield, in the County of Gloucester , State of New Jersey, held on June 11th, 2026, and will be considered for second reading and final passage at the Regular Meeting of Governing Body held on the 9th day of July, 2026, at 7:00 p.m. Notice is hereby given that the Mayor and Council of the Borough of Newfield in the County of Gloucester and State of New Jersey, at a Regular Meeting held on July 9, 2026 did regularly, duly and finally pass the Ordinance entitled as follows:

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**ORDINANCE CREATING CHAPTER 82 THE CODE OF THE BOROUGH OF NEWFIELD,
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that said Ordinance having been introduced and passed at a Regular Meeting of the Borough Council held on June 11th, 2026 and published according to law.

BY ORDER OF THE BOROUGH COUNCIL

Toni L. Van Camp, RMC
Clerk