ORDINANCE O009-2025

WASHINGTON TOWNSHIP
GLOUCESTER COUNTY

ORDINANCE OF THE TOWNSHIP OF WASHINGTON, COUNTY OF GLOUCESTER, STATE OF NEW JERSEY, AMENDING CHAPTER 254 ENTITLED "TREES"

WHEREAS, the Township of Washington ("Township") is a municipal entity organized and existing under the laws of the State of New Jersey and located in the County of Gloucester; and

WHEREAS, Chapter 254 of the Code of the Township, entitled "Trees" establishes the Township's tree standards, preservation and maintenance requirements; and

WHEREAS, the New Jersey Department of Environmental Protection ("NJDEP") established the Model Tree Removal/Replacement Ordinance in accordance with MS4 permit requirements; and

WHEREAS, the Governing Body of the Township has determined that Chapter 80 and Chapter 254 of the Township Code should be amended to comply with the amended minimum standards set forth in Model Tree Removal/Replacement Ordinance; and

WHEREAS, pursuant to N.J.S.A. 40:48-2, the Governing Body is authorized to enact and amend ordinances as deemed necessary for the preservation of the public health, safety and welfare and as may be necessary to carry into effect the powers and duties conferred and imposed upon the Township by law.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Township Committee of the Township of Washington, County of Gloucester, State of New Jersey as follows:

SECTION 1: Chapter 80 entitled "Codification of Fees and Costs of the Township of Washington" is hereby amended and replaced as follows:

§ 80-37 Trees

FAILED

Total Number of Trees Removed	Fee (§ 254-31)
1 - 5	$0
6 - 10	$100
11 - 20	$250
21 - 50	$500
51 - 150	$1,500
151 and over	$1,500 plus $250 for each additional 100 trees or part thereof

SECTION 2: Chapter 254, Article I entitled "Planting and Landscaping" is hereby amended to add the following:

§ **254-9A Prohibited trees**

The following trees shall be prohibited within the Township:

1. Ailanthus altissima (Tree of Heaven)
2. Albizia julibrissin (Mimosa)
3. Acer platanoides (Norway Maple)
4. Acer rubrum (Red Maple)
5. Acer sacherinum (Silver Maple)
6. Crataegus sp. (Hawthorn)
7. Elaeagnua angustifolia (Russian Olive)
8. Fraxinus sp. (Ash) Cultivars and varieties are acceptable with approving authority review and approval.
9. Ginkgo biloba (Ginkgo)
10. Juglans nigra (Black Walnut)
11. Liquidambar styraciflua (Sweetgum) Cultivars and varieties are acceptable with approving authority review and approval.
12. Morus alba (White Mulberry)
13. Paulownea tomentosa (Empress Tree)
14. Phyllostachys (Bamboo)
15. Pinus strobus (White Pine)
16. Populus sp. (Aspen)
17. Pyrus calleryana (Callery Pear) All Cultivars and varieties
18. Quercus ellipsoidalis (Northern pin oak)
19. Quercus imbricaria (Shingle oak)
20. Quercus marilandica (Blackjack Oak)
21. Quercus palustris (Pin Oak)
22. Quercus rubra (Red Oak)
23. Quercus velutina (Black Oak)
24. Robinia pseudoacacia (Black Locust)
25. Ulmus americana (American Elm) Dutch Elm Disease resistant cultivars or varieties permitted
26. Any plant material currently experiencing significant pest or disease concerns shall not be utilized.

FAILED

§ **254-20 General requirements.**

M. Planting shall not contain more than 10% of any one species.
N. Plantings shall consist of 60% native species
O. Invasive species trees shall be prohibited
P. Plant material shall comply with "ANSI Z60.1 American Standard for Nursery Stock" (current edition)
Q. Plantings shall comply with "ANSI A300 Tree Care Standards" (current edition).

SECTION 3: Chapter 254, Article II entitled "Preservation and Maintenance" is hereby amended and replaced as follows:

§ **254-24 Title, purpose and intent.**

A. Title. This article shall be known as the "Washington Township Tree Preservation and Maintenance Ordinance."

B. Purposes. The purposes of this article are to establish protective regulations that will control the indiscriminate and excessive cutting and destruction of trees within Washington Township, to control problems of flooding, soil erosion, air and noise pollution, to abate the greenhouse effect and adverse atmospheric conditions, and to make Washington Township a healthier and safer place to live.

C. Intent. The intent of this article is to encourage the protection of the maximum number of healthy trees throughout the Township, regardless of location. The intent is not punitive nor intended to cause hardship to any individual, private or public company who has taken responsible care and diligence to protect the trees within the Township or who wishes to remove a tree for just cause within the provisions of this article.

§ **254-25 Definitions.**

For the purpose of 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.

As used herein, the following terms shall be construed to mean:

FAILED

APPLICANT

Any "person", as defined below, who applies for approval to remove trees regulated under this ordinance.

ARBORIST

A specialist in the care and maintenance of trees.

COMMUNITY BUILDINGS

Schools, hospitals, churches, clubs, lodges or any such building used by an organization, group or by the public generally.

CONSTRUCTION ZONE

That portion of the lot covered by the proposed or existing building or improvement or within a distance of twenty-five (25) feet in front and back of such building and ten (10) feet on the sides of such building, or five feet of such improvement of the proposed cartway, the sidewalk portion of a street, right-of-way, a utility easement, parking area or drainage basin. Regrading of topography shall not be considered the construction zone. Any additional impervious coverage, beyond that allowed by ordinance, shall not be considered the construction zone.

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'.

CROWN

The branches and foliage of a tree; the upper portion of a tree.

Diameter at Breast Height (DBH)

The diameter of the trunk of a mature tree generally measured at a point four and a half feet above ground level from the uphill side of the tree. For species of trees where the main trunk divides below the 4 ½ foot height, the DBH shall be measured at the highest point before any division.

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. Trees determined to be a hazard by a Licensed Tree Expect shall also be considered a Hazard Tree when said tree:

1. Has an infectious disease or insect infestation;

FAILED

2. Is dead or dying;

3. Obstructs the view of traffic signs or the free passage of pedestrians or vehicles, where pruning attempts have not been effective;

4. Is causing obvious damage to structures (such as building foundations, sidewalks, etc.); or

5. Is determined to be a threat to public health, safety, and/or welfare by a certified arborist or Licensed Tree Expert (LTE).

LANDSCAPE ARCHITECT

A person licensed as a landscape architect by the State of New Jersey.

LANDSCAPER

An individual who derives his/her primary source of income in a position involving the care and planting of trees and is fully insured.

PERMITS

Any permit, in writing, as issued by a Township official.

PERSON

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

PLANTING STRIP

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.

QUALIFIED PROFESSIONAL FORESTER

A person who has a Bachelor of Science degree from a four-year school of forestry accredited by the Society of American Foresters.

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 this ordinance is removed or proposed to be removed.

STREET TREE

FAILED

A tree planted in the sidewalk, planting strip, and/or in the public right-of-way adjacent to 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.

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. Any woody perennial having a diameter equal to or greater than four inches, measured at a point 4 1/2 feet above the ground (diameter breast height, DBH).

TREE CALIPER

The diameter of the trunk of a young tree, measured six (6) inches from the soil line. For young trees whose caliper exceeds four (4) inches, the measurement is taken twelve (12) inches above the soil line.

TREE DIAMETER

The width of a tree measured 4 1/2 feet above ground (DBH).

TREE DRIPLINE

The marking where the outer edge of a tree's branches overhang the ground.

TREE PROTECTION ZONE

That portion of the lot not considered within the construction zone. Regrading of topography outside of the construction zone, as defined above, shall be considered within the tree protection zone.

TREE REMOVAL

The cutting down of a tree, either chemically or mechanically, the transplanting of a tree to a site other than that under development or the infliction of damage to a tree which is of such severity as to show evidence within a period of two years of irreparable harm leading to the ultimate death of the tree. Examples of such serious damage include, but are not limited to: damage inflicted to the root system by machinery, storage of materials and soil compaction; changing the natural grade above, below or around the root system; excessive pruning; excessive thinning; intentional herbicide application; paving with concrete, asphalt or other impervious material within such proximity as to be harmful to the tree.

TREE ROOT AREA

The area under a tree extending from the trunk to the drip line.

WASHINGTON TOWNSHIP TREE TRUST FUND

FAILED

A monetary fund established for the purpose of receiving cash contributions in lieu of tree replacement. This fund shall be separately maintained by the Township for the purpose of reestablishing and maintaining tree cover throughout the Township, or for other purposes as determined by the Washington Township Mayor and Council not inconsistent with the purposes of this article.

§254-26 Protected trees; applicability.

A. No person, directly or indirectly, without first obtaining a tree planting and removal permit as herein provided, shall remove or relocate to another site any tree within a tree protection zone; or any tree having a diameter of ten (10) inches or greater, equivalent to 31.4 inches circumference, regardless of location.

B. The provisions of this section shall be applicable to the following:

(1) Individual homeowners and their properties

(2) Minor subdivisions, when the total area of the property is five acres or greater.

(3) Minor site plans, when the total area of the property is two acres or greater.

(4) All major subdivisions and major site plans, regardless of total area of the property.

(5) All other properties of two acres if zoned other than a rural or residential zone and five acres if zoned in a rural or residential zone, or greater, for which no project is planned and the owner simply plans to remove trees; in this case an application for minor site plan approval must be submitted to the Planning Board.

C. A tree planting and removal plan must accompany any application for preliminary approval.

D. No zoning permit shall be issued for the construction of residential [above the limits set forth under Subsection B(2), (3) and (5) above], commercial, industrial, recreational or community buildings or accessory buildings unless and until the individual homeowner, developer, builder or owner files a tree planting and removal plan, and obtains approval thereof, or submits a plan previously approved, and provides any required cash contribution.

E. No certificate of occupancy, for developments, shall be issued unless tree removal and planting has been in accordance with the approved plan, and all trees required to be planted have been planted in accordance with the approved plan, or a bond guaranteeing planting has been posted or the approved contribution in lieu thereof is paid in full.

F. Any person planning to remove a street tree, as defined as Tree removal, with DBH of 2.5" or more or any non-street tree with DBH of 6" or more on their property shall submit a Tree Removal Application. No tree shall be removed until the application is reviewed and the removal approved.

FAILED

(1) Tree Replacement Requirements

a. Any person who removes one or more street tree(s) with a DBH of 2.5" or more, unless exempt under Section IV, shall be subject to the requirements of the Tree Replacement Requirements Table below.

b. Any person, who removes one or more tree(s), as defined as Tree removal, with a DBH of 6" or more per acre, unless otherwise detailed under Section IV, shall be subject to the requirements of the Tree Replacement Requirements Table.

c. Plantings shall comply with the requirements of Chapter 254.

(2) Replacement tree(s) shall:

a. Be replaced in kind with a tree that has an equal or greater DBH than tree removed **or** meet the Tree Replacement Criteria in the table below;

b. Be planted within twelve (12) months of the date of removal of the original tree(s) or at an alternative date specified by the municipality;

c. Be monitored by the applicant for a period of two (2) years to ensure their survival and shall be replaced as needed within twelve (12) months; and

d. Shall not be planted in temporary containers or pots, as these do not count towards tree replacement requirements.

(3) Tree Replacement Requirements Table:

Category	Tree Removed (DBH)	Tree Replacement Criteria (See Appendix A)
1	DBH of 2.5" (for street trees) or 6" (for non-street trees) to 12.99"	Replant 1 tree with a minimum tree caliper of 2.5" for each tree removed
2	DBH of 13" to 22.99"	Replant 2 trees with minimum tree calipers of 2.5" for each tree removed
3	DBH of 23" to 32.99"	Replant 3 trees with minimum tree calipers of 2.5" for each tree removed
4	DBH of 33" or greater	Replant 4 trees with minimum tree calipers of 2.5" for each tree removed

(4) 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 (also see 254-30):

a. Plant replacement trees in a separate area(s) approved by the municipality.

b. Pay a fee of $500.00 per tree removed. This fee shall be placed into a fund dedicated to tree planting and continued maintenance of the trees.

G. 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**:**

(1) Residents who remove less than four (4) trees per acre that fall into category 1, 2, or 3 of the Tree Replacement Requirements Table within a five-year period. [The number of trees removed is a rolling count across a five-year period. For example, if 3 trees from category 1 are removed in July 2023, the 'count' resets to zero in July 2028. However, if 1 tree from category 1 is removed in July 2023 and another in July of 2025 the first tree will come off the count in July 2028 and the second in July 2030.]

(2) Any tree which is part of a nursery, garden center, Christmas tree plantation, orchard or cemetery. Trees may be removed from an active agricultural use property to clear land for crop production. The property owner must prove qualified farmland and/or farmland assessed status, and the property must currently be in active use for agricultural crop production. Trees may also be removed from a NJDEP approved forest management property in accordance with the approved forest management plan.

(3) 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;

(4) 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. Trees directed to be removed by municipal, county or state authority pursuant to law.

(5) 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;

(6) Approved game management practices, as recommended by the State of New Jersey Department of Environmental Protection, Division of Fish, Game and Wildlife;

(7) Hazard trees may be removed with no fee or replacement requirement. Any dead or diseased tree or any tree that is an imminent threat to life or property.

(8) The standards contained herein shall be minimum standards to be met and maintained. Standards established by other state and federal rules and regulations shall apply where those standards are more restrictive than the standards set forth herein. Standards established by other Township tree removal and replacement ordinances shall not apply.

§ 254-27 Permit procedure.

A. Map required. Every tree planting and removal plan submitted for approval shall be in the form of a map depicting property boundaries and exhibits showing:

(1) Tax Map lot and block numbers.

(2) Area of tract.

(3) Location and tree diameter of trees to be either removed or planted in relation to the principal and accessory buildings, roads and driveways, parking lots, garden areas, etc.

(4) The limits of disturbance associated with the project.

(5) All other applicable regulations of this chapter shall be followed as required.

(6) Tree removal and replacement calculations as determined by this chapter.

B. Specifications. Every tree planting and removal plan must provide specifications for removal of existing trees and protection of existing trees during construction. It shall also identify grade changes or other work adjacent to the tree which would adversely affect it, with specifications on how the grade, drainage and aeration will be maintained around the tree.

C. Review by Environmental Commission. The applicant shall immediately refer the application to the Township Planning or Zoning Board which shall then provide copies to the Township Environmental Commission for its review and recommendations. Failure on the part of the Environmental Commission to provide a recommendation within 30 days, provided that the Commission receives two copies of the application at least 10 days in advance of a regularly scheduled meeting, shall be deemed a recommendation for approval. In the event that the Commission recommends denial of an application, they shall specify, in writing, the reason(s) for their actions. The Board shall review and consider the recommendations of the Environmental Commission, and those recommendations shall be made part of the record before the Board although such recommendations may be accepted or rejected by the Board, in part or in whole, following the Board's consideration.

D. Considerations for granting. The following standards and conditions shall be considered and reviewed in advance of granting a tree planting and removal permit:

(1) Necessity to remove trees which pose a safety hazard to pedestrian or vehicular traffic, or threaten to cause disruption of public services.

(2) Necessity to remove trees which pose a safety hazard to buildings.

(3) Necessity to remove diseased trees, trees infested with destructive insects liable to infect the healthy trees on adjacent property or trees weakened by age, storm, fire or other injury.

(4) Necessity for compliance with other codes, such as zoning and subdivision regulations, health and other environmental ordinances.

FAILED

(5) Necessity to preserve a minimum fifty-foot tree buffer zone at the edge of a stream, wetlands, watersheds or other similar bodies or water.

(6) Necessity to preserve a buffer zone of trees and shrubs around multiple dwelling areas, cluster developments and commercial or industrial establishments to screen for noise, sight, esthetic value and/or size or height of buildings.

(7) Necessity to prohibit tree removal from any slope if it will contribute, in the opinion of the Planning Board, Zoning Board of Adjustment, Environmental Commission, Building Inspector or board professionals, to extra runoff of surface water onto adjoining properties and erosion and silting, unless other means approved by the Board are provided to prevent runoff and erosion.

(8) Other conditions, which in the judgment of the Environmental Commission or board in consideration of the Environmental Commission's advisory recommendation, warrant consideration.

§ 254-28 Protection of existing trees.

Developers/Residents shall exercise care to protect trees which are to be retained from damage during construction. The following procedures shall be observed in order to protect remaining trees.

A. Protection from mechanical injury.

(1) All trees to be retained within 25 feet of a building site and lining ingress or egress roads, parking areas and utility easements shall be protected from equipment damage by wrapping the trunk with section of snow fence or boards wired together. All exposed roots, trunks and low hanging branches shall be equally protected. Groups of trees may be protected by fencing the entire area where they are located.

(2) Heavy equipment operators shall be careful not to damage existing tree trunks and roots. Feeder roots shall not be cut closer than 25 feet from tree trunks.

(3) Tree trunks and exposed roots damaged during construction shall be protected from further damage by being treated immediately by a tree surgeon.

(4) Tree limbs damaged during construction shall be removed and/or treated immediately by a tree surgeon.

(5) The operation of heavy equipment over root systems shall be minimized in order to prevent soil compaction.

(6) Deciduous trees shall be given an application of a slow release, low nitrogen, a/I-purpose fertilizer to aid in their recovery from possible damage caused by construction operations. Such application shall be made according to appropriate rates.

(7) Trees shall not be used for roping, cables, signs or fencing. Nails and spikes shall not be driven into trees.

FAILED

(8) The area around the base of existing trees shall be left open to provide access for water and nutrients. No impervious cover, nor any storage of equipment, materials, debris or fill shall be allowed within the dripline of any existing tree, except as may be necessary for a maximum of three months if no other storage space is available.

B. Protection from grade change.

(1) Raising the grade. If an increase in the grade of the land is proposed, the developer shall install either:

(a) A system of gravel and drain tiles at the old soil level opening into a dry well built around the trunk and designed for each tree, individually fitting the contour of the land so that it drains water away from the tree trunk.

(b) A retaining wall between the existing grade and the higher grade.

(2) Lowering the grade. If a lowering of the grade is proposed, the developer shall initiate one of the following methods to protect the trees:

(a) Terracing the grade.

(b) A retaining wall between the existing grade and the lower grade.

(3) Replacement of trees. If the proposed grade change, in the opinion of the board professional or the Environmental Commission, is too excessive to allow retention of existing trees, the developer shall be required to replace the trees to be removed on a one-to-three basis, one inch of new tree diameter for every three inches of tree diameter removed.

C. Protection during cleanup.

(1) All construction debris shall be hauled away instead of burned or buried on site.

(2) Fences and barriers around trees shall be the last thing to be removed from the site.

§ 254-29 Average tree density and clearing calculations for tree replacement.

A. Where a residential development will involve the sale of individual building lots for custom or semicustom homes, and the exact location and extent of tree clearing on the residential lots cannot be determined at the time of site plan review, an estimate of compensation shall be derived by calculating a representative tree density and clearing estimate for an average sized lot.

B. Average lot sizes shall be determined based on project-specific lot areas.

C. Representative tree density shall be determined utilizing a fifty-foot-by-fifty-foot, totaling 2,500 square feet, area of the site that is considered representative of site conditions. This representative area shall be identified on the tree planting and removal plan and shall be conspicuously demarcated in the field for verification purposes.

FAILED

D. For the purposes of calculating tree replacement under this article, the tree planting and removal plan shall depict a reasonable build-out scenario for an average residential lot, with square footage calculations of the tree protection zone and construction zone as defined in this article.

E. Calculations of the number of trees and their respective tree diameter within the fifty-foot-by-fifty. foot area shall be provided on the tree planting and removal plan, along with an estimate of tree clearing for the residential lots.

§ 254-30 Planting of new trees.

A. Replacement of trees lost during construction. Where developers find it impossible to retain existing trees in the tree protection zone, or any tree with a diameter of 10 inches or greater, due to cutting, filling or other construction activity, the developers shall replant one inch of a new tree diameter for every three inches of existing tree diameter removed. New trees shall have a minimum diameter of 2 1/2 inches measured at diameter breast height and guaranteed for two growing seasons. Replanting shall be done according to the standards specified by the American Nurseryman's Association. Cash contributions to the Washington Township Tree Trust Fund may be substituted in lieu of on-site tree replacement in accordance with Subsection **D** of this section. The Township Environmental Commission may be consulted before any replacement trees are planted.

B. Criteria for selection of trees. When a developer is required to replace trees that he/she has removed, the developer shall replace them with trees as described in Article **I,** Planting and Landscaping.

C. Other ordinances distinct. Where other ordinances require planting of new trees such as Chapter **220,** Subdivision of Land, and Chapter **199,** Site Plan Review, and Chapter **285,** Zoning, those trees are not to be counted as replacement trees required by this article.

D. Cash contribution. A cash contribution to the Washington Township Tree Trust Fund may be permitted. Upon review by the Environmental Commission, pursuant to § **254-27C** and **D** above, the Planning or Zoning Board shall recommend and approve or disapprove of the cash contribution. If approved, it shall become a condition of approval of the applicant subject to final approval by Township Council. Cash contribution shall include costs per tree as determined by the Township Engineer to be the current bonding cost, as well the cost for the delivery, installation, fertilizer, watering and two-year guarantee.

E. Preference regarding tree placement/cash contribution. The Township, when considering the placement of trees or acceptance of cash contribution, will consider the following as the order of preference:

(1) On-site replacement;

(2) Off-site replacement;

(3) Contribution to the Washington Township Tree Trust Fund.

FAILED

§ 254-31 Fees.

For the issuance of a permit, the applicant shall pay to the Township the fees, based on the total number of trees to be removed. Fees are set forth in Chapter **80,** Fees.

§ 254-32 Preconference prior to site clearing.

The developer shall schedule and conduct a preconference prior to beginning site clearing. The following parties shall be present at this preconference: developer, engineer/surveyor, site excavation/tree removal contractor, Environmental Commission representative and Township construction official.

§ 254-33 Fund expenditures.

A. Expenditures from Washington Township Tree Trust Fund. The Mayor and Township Council shall determine the appropriate expenditure of funds accumulated in the Washington Township Tree Trust Fund. The expenditure of funds shall be in accordance with the purposes and intent of this article as expressed. The Mayor and Township Council may consult with the Township Environmental Commission, or any environmental professional, in order to aid the process of determining the appropriate expenditure of the fund.

B. Emergency expenditures from Washington Township Tree Trust Fund. The Mayor and administration of the Township of Washington may, based upon an emergent event, authorize expenditures from the Tree Trust Fund in the case of trees which are either damaged or downed, on Township property, due to storm, wind or other act of nature. The emergency expenditure of such funds will be for the removal and disposal of downed trees, the appropriate repair of trees which can be salvaged by an arborist and the replanting of replacement trees if determined to be cost-effective to do so immediately, with consideration being given to whether or not it is planting season. An accounting of the emergency funds expended will be provided.

§ 254-34 Violations and penalties.

Should any person or developer fail to abide by the provisions of this article, he/she shall be subject to citation by the Township Zoning Officer for violation of this article. The penalties for violation of this article shall be as follows:

A. Any person who violates any provisions of this article, upon conviction thereof, shall be liable for the penalties set forth in Chapter **1,** General Provisions, Article I of this code for each and every offense.

B. In addition to the penalties set forth in Subsection **A** herein, any person or developer shall be subject to one or more of the following civil penalties:

FAILED

(1) The requirement to comply with the requirements of this article, with determinations to be made in accordance with the provisions of the article as to the calculation of replacement trees, and determinations to be made as to on-site replacement, off-site replacement or contribution to the Washington Township Tree Trust Fund.

(2) A requirement to replant off site or make a contribution to the Washington Township Tree Trust Fund in an amount equal to an additional 25% above the calculation of trees as determined by calculating the number of trees pursuant to the provisions of this article.

(3) A prohibition of the owner, contract purchaser or subsequent purchaser to submit any plan for development to the Washington Township Planning Board or Washington Zoning Board of Adjustment for a period of three (3) years from the date of the violation, or the discovery of the violation, whichever is later.

(4) To reimburse the Township of Washington for all costs incurred which were reasonably related to the enforcement of this article and calculation of trees removed in violation of this article, including, but not limited to, reasonable attorneys fees, engineering fees, expert fees and the cost to the Township incurred for the purpose of retaining a professional to calculate the number of trees removed in violation of this article.

SECTION 4: Except as set forth in Sections 1, 2 and 3 herein above, the balance of the Code of Washington Township shall not be affected by this Ordinance.

SECTION 5: All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby superseded to the extent of such inconsistency.

SECTION 6: If the provisions of any section, subsection, paragraph, subdivision, or clause of this Ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgement shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this Ordinance.

SECTION 7: This Ordinance shall take effect thirty (30) days after final passage by Council or twenty (20) days after approval by the mayor, whichever comes first.

FAILED

INTRODUCTION: April 23, 2025

Members	Motion	Second	Ayes	Nays	Abstain	Absent	Recuse
Yerkes							
Harris							
Bennett							
Brown							
Del Borrello							

TOWNSHIP OF WASHINGTON

By: _____
Donald C. Brown, Jr., Council Vice President

I, Christine Ciallella, do hereby attest the above Ordinance **O009-2025** was introduced at the Township of Washington Meeting on April 23, 2025. A public hearing will occur on May 14, 2025 at 6:00PM.

ATTEST:

_____
Christine Ciallella, RMC, CMR
Township Clerk

FAILED

ADOPTION: May 14, 2025

Members	Motion	Second	Ayes	Nays	Abstain	Absent	Recuse
Yerkes							
Harris							
Bennett							
Brown							
Del Borrello							

I, Christine Ciallella, do hereby attest the above Ordinance **O009-2025** was adopted at the Township of Washington Meeting on May 14, 2025 by Township Council after a public hearing which was scheduled for May 14, 2025. Said Ordinance shall take effect in accordance with the law.

ATTEST:

_____
Christine Ciallella, RMC, CMR
Township Clerk

On this _____ day of _____ 2025, I hereby approve the above Ordinance **O009-2025**.

_____
ANTHONY DELLAPIA, MAYOR

FAILED