

TOWNSHIP OF MEDFORD

ORDINANCE 2024-4A

**AN ORDINANCE REPEALING EXISTING CHAPTER 123 OF THE
CODE OF MEDFORD TOWNSHIP ENTITLED “TREES” AND
REPLACING IT WITH A NEW CHAPTER 123 “TREE REMOVAL
AND REPLACEMENT”**

WHEREAS, the New Jersey Department of Environmental Protection (NJDEP), as a condition of the renewal of Medford Township's NJDEP R9-MS4-Tier A Municipal Stormwater Permit, has required the municipality to adopt an updated tree removal and replacement ordinance based on a model ordinance prepared by NJDEP, and

WHEREAS, the Township Council adopted Ordinance 2024-4 on April 16, 2024; and

WHEREAS, after review of Ordinance 2024-4, NJDEP required certain clarifications and modifications to the Ordinance, as incorporated herein; and

WHEREAS, by adoption of Planning Board Resolution 13-2024, on June 26, 2024, the Medford Township determined that this Ordinance 2024-4A was consistent with the Medford Township Master Plan and recommended to the Township Council that it be adopted.

NOW THEREFORE BE IT ORDAINED by the Township Council of the Township of Medford, in the County of Burlington and State of New Jersey, that Chapter 123 of the Code of the Township of Medford entitled “Tree Removal” is repealed and replaced as follows:

CHAPTER 123 TREE REMOVAL AND REPLACEMENT

§ 123-1. Purposes.

- A. Given the Township of Medford's location within the Pinelands Natural Reserve and its long-standing commitment to preserving the environmental assets and aesthetics of its natural surroundings, the Township Council of the Township of Medford has determined that the indiscriminate, uncontrolled and excessive destruction, removal and cutting of trees upon public and privately owned land within the Township of Medford will increase the municipal costs to control surface drainage and will increase the probability of soil erosion, sedimentation and a decrease of soil fertility; all of which conditions negatively impact the environment and the public safety, health and welfare of the citizens of the Township of Medford.
- B. The appropriate management and use of existing vegetation resources are an important health, safety and welfare concern as per N.J.S.A. 40:48-2. Therefore, it is the intent of these regulations to:
 - (1) Reduce soil erosion and protect surface water quality by minimizing soil and tree root disturbance in existing woodlands, around tree masses or under individual trees.

- (2) Reduce stormwater runoff, velocity and volume by retaining woodland and forest areas where stormwater can infiltrate easily.
- (3) Increase groundwater recharge by retaining woodland areas where stormwater can infiltrate easily.
- (4) Improve air quality by conserving existing trees and other mature vegetation which produce oxygen and remove carbon dioxide from the atmosphere.
- (5) Protect wildlife habitat.
- (6) Retain existing trees to provide wind breaks, shade and other microclimate benefits.
- (7) Retain trees and woodlands that are important to the history or natural and aesthetic beauty of the Township of Medford.
- (8) Preserve and enhance property values by retaining and properly protecting existing trees.

§ 123-2. Definitions.

For the purposes of this Tree Ordinance, the following terms as used within the chapter are defined as follows:

APPLICANT - means any “person”, as defined below, who applies for approval to remove trees on public and private land regulated under this ordinance.

CALIPER — Standard measure of tree size for trees to be newly planted. The measurement is taken between six inches to 12 inches above the ground level depending on propagation method, e.g., ball and burlapped/containerized, bare root.

CRITICAL ROOT RADIUS - 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 6” DBH would have a CRR = 6”x1.5’ = 9’.

“DEVELOPMENT APPLICATION” means an application to the Medford Township Planning or Zoning Board for which approval is otherwise required by the Medford Township Development and Zoning Ordinance; however, it shall not include an application for a Zoning Permit that does not require subsequent Planning or Zoning Board approval.

DIAMETER at BREAST HEIGHT (DBH) - means 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.

DRIPLINE — A line connecting the tips of the outermost branches of a tree projected vertically onto the ground.

EMERGENCY — Any tree that creates an immediate hazard or danger to persons and property, as a result of a weather event, such as a hurricane, wind storm, flood, freeze or other disaster, or other cause.

ENDANGERED SPECIES TREE — Any tree of a species which is threatened with extinction, including, but not limited to, those species of trees so noted in New Jersey State and/or national registers.

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.

1. Has an infectious disease or insect infestation;
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).

HISTORIC TREE — Any tree with or approaching the girth which is the largest of its species in the State of New Jersey, or any tree located on private property which has been identified as such by the State of New Jersey and/or dedicated by the Township Council, with the consent of the landowner, to an individual or event.

INTERNATIONAL SOCIETY OF ARBORICULTURE — Provides accreditation to those in the tree industry with demonstrated knowledge and skills to properly care for trees.

INVASIVE TREE – A tree reproducing outside its native range and outside cultivation that disrupts naturally occurring plant communities by altering structure, composition, natural processes or habitat quality. Invasive plants are those recognized by the New Jersey Department of Environmental Protection and those on the most recent New Jersey Invasive Strike Team “Do Not Plant List”.

LICENSED TREE CARE OPERATOR (LTCO) and LICENSED TREE EXPERT (LTE) — Professional certifications issued by the NJ Board of Trees Experts as delineated in the Tree Expert and Tree Care Operator Licensing Act of 2010.¹ All tree care companies doing business in that State of New Jersey are required to have at least one licensed LTCO or LTE on staff.

PERSON - means any individual, resident, corporation, utility, company, partnership, firm, or association.

PLANTING STRIP - means the part of a street right-of-way between the public right-of-way adjacent to the portion of the street reserved for vehicular traffic the abutting property line and the curb or traveled portion of the street, exclusive of any sidewalk.

PLAN — The tree removal or replacement plan, in accordance with the requirements of this Tree Ordinance, which indicates the trees to be removed or replaced.

PREFERRED TREE LIST — A list of trees recommended by tree specialists to be best adapted to the climate, soil and topography of the Township of Medford, formulated by the Pinelands Commission and, upon approval by the Township Council, shall be adopted by the Township Council and be kept on file in the offices of the Township Zoning Official for use by persons intending to plant trees.

PROTECTIVE BARRIER — A barrier constructed to protect the root system and/or the trunk of a tree from damage during construction and/or from equipment, soil or material deposited on the site. The protective barrier may consist of a snow fence, sawhorses or other similar structure which is sufficient to protect the root system or trunk of a tree from potential damage.

REGULATED WATERS — All waters in the state excluding man-made canals and waters draining less than 50 acres as described in N.J.A.C. 7:13-2.2.

“**REGULATED TREE**” means a street tree with DBH of 2.5” or greater or any non-street tree with DBH of 6” or greater.

“**REPLACEMENT TREE**” means either a:

1. Permitted street tree with a minimum tree caliper of 2.5” to be planted in the public-right-of-way;
2. Permitted street tree with a minimum tree caliper of 1.5” to be planted outside public right-of-way; or

3. Permitted evergreen tree with a minimum height of six (6) feet to be planted outside public right-of-way.

RESIDENT - means an individual who resides on the residential property where a tree(s) regulated by this ordinance is removed or proposed to be removed.

RIGHT-OF-WAY — A strip of land acquired by reservation, dedication, prescription or condemnation and intended to be occupied by a street, a crosswalk, a railroad, electric transmission lines, an oil or gas pipeline, a water line, a sanitary storm sewer, or other similar uses.

RIPARIAN ZONE — Land and vegetation within and adjacent to a regulated water.

SPECIMEN TREE — Any tree which by its singular nature, condition, size, location and/or appearance is determined by the Township Planner, Zoning Official, and/or Environmental Affairs Advisory Committee to impart a particular value to a property or landscape.

STREET TREE - means 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.

TOWNSHIP PROPERTY — Lands which are owned by the Township of Medford or are within the right- of-way (ROW) of the Township's, county's or state's streets, highways (especially the area between the curbing and sidewalk), open space or under the control of the Township of Medford by way of ownership, deed restriction or other covenant.

TREE — For purposes of calculating tree removal quantity, "tree" shall mean 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 with a DBH of at least six inches measured 54 inches above the ground for a non-street tree or, a Street Tree having a DBH of 2.5" or greater.

TREE CALIPER - means 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 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.

TREE REMOVAL PERMIT — Written authorization from the Medford Zoning Official allowing the removal of trees in accordance with the tree removal/replacement plan as approved by the Zoning Official, Township Planner, and/or the Medford Environmental Affairs Advisory Committee.

§ 123-3. Trees in regulated wetlands and buffer areas.

- A. Freshwater wetlands. The clearing and removal of trees and all vegetation located within freshwater wetlands and freshwater wetland transition areas is regulated under N.J.A.C. 7:7A Freshwater Wetlands Protection Act Rules and enforced by the New Jersey Department of Environmental Protection and the New Jersey Pinelands Commission, within the areas of the Township under Commission jurisdiction.
- B. Flood hazard areas. The clearing and removal of trees and all vegetation located along a regulated water and within a designated riparian zone is regulated under N.J.A.C. 7:13 Flood Hazard Area Control Act Rules and enforced by the New Jersey Department of Environmental Protection and the New Jersey Pinelands Commission within areas of the Township under Commission jurisdiction.

- C. The Zoning Official shall not authorize the removal of trees in any freshwater wetlands or freshwater wetlands transition area, or along a regulated water way or riparian zone until all required approvals have been issued by the Department of Environmental Protection Division of Land Use Regulation and/or the New Jersey Pinelands Commission.

§ 123-4. Trees allowed to be removed without tree replacement.

If permitted as set forth below, any "tree" as defined in this chapter (and any smaller trees) may be removed from a privately owned lot or tract of land except that, in any case, no endangered species tree, historic tree or specimen tree may be removed without a tree removal permit, except in the case of an emergency. All persons shall comply with the tree replacement standard except in the cases detailed below. Proper justification shall be provided, in writing, to the municipality by all persons claiming an exemption. Proper justification shall include, but not need limited to, photos or statements from NJ licensed tree expert as per NJ Statue 45:15C-11 or arborist.

- A. Residents who remove less than four (4) trees per acre in categories 1, 2 or 3 of the Tree Replacement Requirements Table within a 5-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. In addition to the trees permitted to be removed in this section, a one-time exemption is permitted for the removal of up to 10 additional trees solely for the purpose of construction of one new single-family home on an existing residential lot.
- B. 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.
- C. 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.
- D. Approved game management practices, as recommended by the State of New Jersey Department of Environmental Protection, Division of Fish, Game and Wildlife.
- E. Hazard trees, as defined in § 123-2 above, may be removed immediately. However, the property owner shall, upon request of the Zoning Official, be required to provide documentation confirming said conditions, which will include photographs of the trees removed and the property, and a certification from a duly licensed LTCO or LTE, or from an ISA- certified arborist.
- F. Any tree may be removed if part of a logging operation and/or a forestry management program in accordance with a management plan approved by the New Jersey Department of Environmental Protection and/or the Pinelands Commission and on file in the office of the Township Assessor.
- G. Any tree may be removed, subject to compliance with this Ordinance, pursuant to a Development Application approved by the Medford Township Planning or Zoning Board, and, where required, the New Jersey Pinelands Commission (collectively the "approving authority")
- H. In the Pinelands Area of the Township, any tree may be removed under the authority of § 600 of the Medford Township Code Development Regulations, § DR-612, the provisions of which are expressly saved from repeal, provided that the removal is permitted pursuant to an approved forestry management plan authorized by said § DR-612.
- I. Any tree may be removed as part of the operation of an agricultural or horticultural use on

property that is five acres or more, and that is assessed for local property taxes pursuant to the New Jersey Farmland Assessment Act of 1964, N.J.S.A. 54:4-23.1 et seq.

- J. Any tree recognized as Invasive by the New Jersey Department of Environmental Protection or listed on the most recent New Jersey Invasive Strike Team “Do Not Plant List” may be removed without replacement.
- K. Any tree may be removed pursuant to a Development Application (as defined above) and Tree Removal/Replacement Plan approved by the Medford Township Planning or Zoning Board, and, where required, the New Jersey Pinelands Commission., provided that the Tree Replacement provisions of this Ordinance are incorporated in the approved plan.

§ 123-5. Regulated Activities

- A. Any person planning to remove a street tree with DBH of 2.5” or more or any non-street tree with a DBH of 6” or more on their property shall submit a Tree Removal Application and/or Tree Removal Plan to the Zoning Official, for review and approval, with the advice and review of the Medford Township Planner and/or Engineer, and/or the Medford Environmental Affairs Advisory Committee in accordance with the provisions of this chapter. No tree shall be removed until municipal officials have reviewed and approved the removal. For larger scale clearing projects, and site plan applications, a tree survey shall be submitted as part of the application to determine number, sizes, and exemptions of trees for the assessment of fees. Additionally, any landowner desiring to clear an area greater than 1,500 total square feet, including not only trees, but also brush and/or natural vegetation, must obtain approval under this chapter.
- B. Tree Removal Application
 - 1. This Ordinance shall be enforced by the Township Zoning Official and the Township Environmental Affairs Advisory Committee. In the case of a Development Application, the professional designated by the Township Planning or Zoning Board shall enforce this Ordinance.
- C. The Tree Removal Plan shall include the following information:
 - (1) The subject property where the tree(s) is/are to be removed shall be identified by street address, tax block and lot number(s) and approximate acreage;
 - (2) The name, address and telephone number of the owner of the subject property or the owner's duly authorized agent;
 - (3) The name, address, and state license identification number of the NJ licensed tree contractor who will be performing the tree removal work. All tree contractors must comply with the NJ Tree Care Licensing Act, N.J.S.A. 45:15C-11 et seq., and the contractor must carry a current/ valid LTCO or LTE license from the State of New Jersey. Unless the tree removal is being performed by the landowner, the tree removal must be performed by a LTCO or LTE as defined herein;
 - (4) The tree(s) proposed to be removed shall be clearly marked on the subject property for review by the Zoning Official, Township Planner and/or representatives of the Medford Environmental Affairs Advisory Committee;
 - (5) To the extent required by the Zoning Officer to make an appropriate decision, the following information shall be shown on a map, legal survey or site plan which is drawn to scale and is of a suitable size to depict the required information:

- (a) The total number and the location and size of each tree proposed to be removed;
- (b) The total number and approximate location of any trees removed from the lot in the preceding 12 months, if known;
- (c) The location of the principal building and all accessory buildings on the subject property;
- (d) The location of any driveway on the subject property;
- (e) The location of any deed restricted areas, scenic buffers, and/or HOA restricted areas on the subject property.
- (f) In larger wooded areas to be cleared, tree sampling has been permitted in some municipalities in the form of representative 100' x 100' sample areas to determine compensation for tree removal.

§ 123-6. Guidelines for the preparation of required tree removal/replacement plans.

- A. Hardship trees. Generally, any tree likely to cause a hardship upon the landowner or a neighboring landowner will be approved for removal.
- B. Streetscape trees. All trees between the frontage street and the principal building on a lot should be preserved to the maximum extent possible.
- C. Trees which visually screen. All trees which visually screen large tracts of vacant land or large structures shall be preserved to the maximum extent possible.
- D. Trees on public land. No tree within a public right-of-way or easement or on any publicly owned land shall be removed by any individual unless specifically authorized, in writing, by the Township of Medford.
- E. Trees on steep slopes. No tree on a steep slope shall be removed if the Zoning Official, in consult with the Township Engineer, factually concludes that the removal of the tree will cause increased surface water runoff onto an adjacent property, will cause increased soil erosion and/or silting, will cause significantly increased dust in the air, and/or will cause a decrease in the fertility of the soil.
- F. Solar installations. No trees may be removed or "topped" to expose ground-mounted or roof-mounted solar panels unless expressly permitted as a part of the zoning permit application process.
- G. Trees within buffers. No tree may be removed that is located within a buffer that was created as a condition of approval of a development approved by the Planning or Zoning Board, or within recorded Homeowners' Association/Colony Club documents, without approval of the board or body that imposed the buffer.

§ 123-7. Tree Replacement Requirements:

Each tree removed pursuant to a submitted and approved tree removal application/tree replacement plan and not otherwise required to provide replacement pursuant to § 123-4, above, either shall be replanted on the subject property or shall be replaced with a new tree planted either on the subject property or as directed by the Zoning Official. The specific location of all replanted and newly planted trees shall be as approved by the Medford Zoning Official, Open Space Coordinator, and/or the Environmental Affairs Advisory Committee. All newly planted trees shall meet the following minimum standards and requirements:

- A. Each newly planted tree shall have a minimum caliper at the time of planting of 1 1/2 inches.
- B. If located within the Pinelands designated areas, the species of each newly planted tree shall be selected from the list of native species required for revegetation as set forth in N.J.A.C. 7:50-6.25 and the Pinelands Commission fact sheet entitled Native Pinelands Plans for Landscaping, as the same may be periodically updated, in consideration of the attributes of the proposed location of the tree (i.e., existing vegetation, soil conditions, water availability, land uses, etc.) and the proposed tree's color, growing season, texture, shape, blossoms and foliage. If NOT located within the Pinelands designated areas, the species of each newly planted tree shall be selected from the attached Appendix A, Medford Township Tree Species List.
- C. Each newly planted tree shall be of nursery stock and shall be balled and burlapped, containerized or bare root.
- D. Each newly planted tree shall be guaranteed for at least two years from the date of planting, and any tree which does not survive within that time period shall be replaced by another tree of the same size and species at the expense of the landowner.
- E. Any person who removes one or more street tree(s) with a DBH of 2.5" or more, unless exempt under §123-4, shall be subject to the requirements of the Tree Replacement Requirements Table below. Street trees shall be replaced with permitted street trees.

Replacement tree(s) shall:

1. 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;
2. Be planted within twelve (12) months of the date of removal of the original tree(s) or at an alternative date specified by the Township;
3. 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
4. Shall not be planted in temporary containers or pots, as these do not count towards tree replacement requirements.

Tree Replacement Requirements Table:

Category	Tree Removed (DBH)	Tree Replacement Criteria (See Appendix A)	Fee in lieu of tree replacement
1	DBH of 2.5" (for street trees) or 6" (for non-street trees) to 12.99"	Replant 1 replacement tree with a minimum tree caliper of 1.5" for each tree removed	\$400
2	DBH of 13" to 22.99"	Replant 2 replacement trees with minimum tree calipers of 1.5" for each tree removed	\$800
3	DBH of 23" to 32.99"	Replant 3 replacement trees with minimum tree calipers of 1.5" for	\$1,200

		each tree removed	
4	DBH of 33" or greater	Replant 4 replacement trees with minimum tree calipers of 1.5" for each tree removed	<i>\$1,600</i>

F. Replacement Alternatives

1. 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 pay a fee of \$400 per tree required to be replaced as set forth in the schedule above. This fee shall be placed into a fund dedicated to tree planting and continued maintenance of the trees.

§ 123-8. Protective barriers.

During the construction of any structure on a property, care must be taken to protect any existing tree within the vicinity of the construction by erecting a "protective barrier" as defined in this chapter and in accordance with the following:

- A. No equipment, soil or material shall be placed within the dripline of any tree located on the subject property within the vicinity of the construction, and a protective barrier shall be erected around the areas of such trees defined by the dripline.

§ 123-9. Review and action on submitted plans.

The Medford Township Zoning Official or his/her designee, and with the advice and assistance of the Environmental Affairs Advisory Committee shall review the site to determine whether the cutting, removal, or destruction of the tree shall impair drainage conditions, impair soil erosion, increase dust concentration, decrease the fertility of the soil or deteriorate the property value, destroy a buffer between residential and nonresidential uses; and shall further determine the overall physical conditions of the land and the deleterious effect thereon, if any, in accordance with the standards set forth in this chapter.

No action may be taken by the landowner until written authorization is received and a permit issued.

- A. Two copies of each tree removal/replacement plan shall be submitted to the Medford Township Zoning Official who shall retain one copy for the Township's records.
- B. The Medford Zoning Official shall review and act upon each submitted plan within 10 business days of the date the plan was submitted. Should the Zoning Official determine that a review is required by the Township Planner and/or Environmental Affairs Advisory Committee, the Zoning Official shall have the authority to extend the review period to up to 30 calendar days.
- C. If the Zoning Officer requests review, the Medford Environmental Affairs Advisory Committee shall consider a report from the Zoning Official regarding the submitted plan, provided that the report is forwarded to the Committee within 30 days of the date the plan was submitted to the Zoning Official.
- D. The Medford Zoning Official, Township Planner and/or Environmental Affairs Advisory Committee or designated members thereof shall inspect and photo document the subject property as part of the review of the submitted plan.
- E. Should the Zoning Official approve the submitted plan, either as submitted or subject to

specified conditions, a tree removal permit shall be issued by the Zoning Official, in writing, to the landowner indicating any specific conditions of the approval.

- F. Should the Zoning Official deny approval of the submitted plan, the Zoning Official shall notify the landowner, in writing, with the reasons for the denial.
- G. If the submitted plan is denied by the Zoning Official, the landowner shall have the right to appeal the decision to the Zoning Board of Adjustment as set forth in § 703A of the Medford Development Ordinance.

§ 123-10. Fees.

An administrative fee as set forth in Chapter 71 of the Code of the Township of Medford shall be required upon submission of a permit for the tree removal application, unless the proposed tree removal is part of a Development Application in which case the application fee and review escrows shall be as required for the Development Application.

§ 123-11. Prohibitions.

- A. While in the course of cutting or removing any tree within Medford Township, no debris, limbs or other materials may be dropped upon any paved street, sidewalk or curb so as to protect against damage to roadways, sidewalks and right-of-way areas.
- B. As per the Township Code § 49-1 and all other applicable provisions of the Township Code, all waste generated as a result of tree removal authorized by this chapter must be removed and disposed of at the landowner's cost at the time the trees are removed.
- C. The sale of wood at wood stands or similar facilities is prohibited except at a) retail commercial establishments or garden centers, and b) on property that is five acres or more and that is assessed for local property taxes pursuant to the New Jersey Farmland Assessment Act of 1964, N.J.S.A. 54:4-23.1 et seq. A wood stand that is permitted pursuant to Subsection b) hereunder shall obtain a permit and shall comply with all of the provisions in Chapter 67, Farm Stands, except for § 67-7, and a wood stand permitted pursuant to Subsection b) hereunder may sell wood either harvested from property in Medford Township or harvested from any property in a municipality that abuts Medford Township, provided that no wood shall be sold that is harvested from any area or location that is prohibited by any emergency or permanent regulation of any state or federal agency having jurisdiction.

§ 123-12. Trees in the right-of-way.

The Township of Medford is not responsible for, nor does the Township own the trees within the public right-of-way. All trees in the Township of Medford are owned by and are the responsibility of the property owner of the property on which the tree is located, including all trees in the right-of-way located between the sidewalk and the curblane. The only trees owned by the Township for which the Township is responsible to maintain are on municipally owned property. In an emergency, Township personnel or Township employed contractors may cut a fallen tree in a roadway; however final disposition of the tree is the responsibility of the property owner.

- A. The landowner is responsible for care and maintenance of trees within the Township right-of-way.
- B. The Township will not remove live or healthy trees, or trees which are lifting sidewalks within any right-of-way.
- C. The Township will not replace trees or plant new trees within the right-of-way.

- D. The Township will not remove a tree from the right-of-way unless it is determined to be an emergency hazard to motorists, a residential dwelling, and/or other structures. Such determinations are made by the Director of Neighborhood Services, or his/her designee. In these circumstances, a tree removal permit is not required.
- E. It is the landowner's responsibility to remove trees, even when located within the Township's right- of-way, if it is determined by the Director of Neighborhood Services or his/her designee to be endangering a residence or structure. In these circumstances, a tree removal permit is not required.
- F. If a tree is removed from a right-of-way area, either by the landowner or by the Township, the landowner must also remove the tree stump.

§ 123-13. Enforcing authority.

- A. This Ordinance shall be enforced by the Township Zoning Official and the Township Environmental Affairs Advisory Committee. In the case of a Development Application, the professional designated by the Township Planning or Zoning Board shall perform the duties set forth in this chapter and shall be responsible for the enforcement of the provisions of this Chapter.
- B. The Construction Official shall not issue a construction permit or a certificate of occupancy until all applicable requirements of this Tree Ordinance have been met.

§ 123-14. Violations and penalties.

- A. Any person(s) who is found to be in violation of the provisions of this section shall be subject to a fine of \$600 per tree to cover the amount of the required replacement tree(s) and cost(s) of planting. In addition to monetary sanctions, the Zoning Official may request and the court may grant a specific performance penalty by way of a restoration plan for the cut trees and/or other disturbed areas.
- B. Cutting of each tree covered by this chapter shall be considered as a separate and independent violation of this chapter.

APPENDIX A: MEDFORD TOWNSHIP TREE SPECIES LIST		
Remarks	Botanical Name	Common Name
Permitted Large Street Tree	Acer rubrum 'Armstrong'	'Armstrong' Red Maple
Permitted Large Street Tree	Acer rubrum 'Autumn Blaze'	'Autumn Blaze' Red Maple
Permitted Large Street Tree	Acer rubrum 'Bowhall'	'Bowhall' Red Maple
Permitted Large Street Tree	Acer saccharum 'Bowhall'	'Bowhall' Sugar Maple
Permitted Large Street Tree	Acer saccharum 'Green Mountain'	'Green Mountain' Sugar Maple
Permitted Large Street Tree	Ginkgo biloba (male)	Ginkgo
Permitted Large Street Tree	Ginkgo biloba 'Princeton Sentry' (male)	'Princeton Sentry' Ginkgo (male)
Permitted Large Street Tree	Gleditsia tricanthos inermis 'Halka'	'Halka' Honeylocust
Permitted Large Street Tree	Gymnocladus dioicus	Kentucky Coffeetree
Permitted Large Street Tree	Plantanus x acerifolia 'Columbia'	'Columbia' Planetree
Permitted Large Street Tree	Platanus occidentalis	American Sycamore
Permitted Large Street Tree	Quercus alba	White Oak
Permitted Large Street Tree	Quercus phellos	Willow Oak
Permitted Large Street Tree	Quercus rubra	Red Oak
Permitted Large Street Tree	Sophora japonica 'Regent'	'Regent' Scholar Tree
Permitted Large Street Tree	Tilia americana 'Redmond'	'Redmond' Linden
Permitted Large Street Tree	Tilia cordata 'Greenspire'	'Greenspire' Linden
Permitted Large Street Tree	Ulmus 'Morton' Accolade'	Accolade' Elm
Permitted Large Street Tree	Ulmus americana 'Princeton'	'Princeton' American Elm
Permitted Large Street Tree	Zelkova serrata 'Green Vase'	'Green Vase' Zelkova
Permitted Large Street Tree	Zelkova serrata 'Village Green'	'Village Green' Zelkova
Permitted Medium Street Tree	Cladrastis kentukea	Yellowwood
Permitted Medium Street Tree	Koelreuteria paniculata	Goldenrain Tree
Permitted Medium Street Tree	Prunus kwanzan	Kwanzan Cherry
Permitted Underwire Street Tree	Amelanchier x grandiflora 'Autumn Brilliance'	Serviceberry
Permitted Underwire Street Tree	Cercis canadensis 'Alba'	White Eastern Redbud
Permitted Underwire Street Tree	Cercis canadensis 'Forest Pansy'	'Forest Pansy' Redbud
Permitted Underwire Street Tree	Maackia amurensis	Amur maackia
Permitted Underwire Street Tree	Syringa reticulata 'Ivory Silk'	Japanese Tree Lilac
Permitted Evergreen Tree	Abies concolor	White Fir
Permitted Evergreen Tree	Chamaecyparis nootkatensis	Alaskan Cedar
Permitted Evergreen Tree	Cryptomeria japonica 'Yoshino'	Cryptomeria
Permitted Evergreen Tree	Ilex 'Nellie R. Stevens'	'Nellie R. Stevens' Holly
Permitted Evergreen Tree	Ilex opaca	American Holly
Permitted Evergreen Tree	Ilex x aquipernyi 'Dragon Lady'	'Dragon Lady' Holly
Permitted Evergreen Tree	Juniperus virginiana 'Emerald Sentinel'	'Emerald Sentinel' Juniper
Permitted Evergreen Tree	Picea pungens	Colorado Spruce
Permitted Evergreen Tree	Picea abies	Norway Spruce
Permitted Evergreen Tree	Picea glauca	White Spruce
Permitted Evergreen Tree	Picea omorika	Serbian Spruce

Permitted Evergreen Tree	<i>Pseudotsuga menziesii</i>	Douglas Fir
Permitted Evergreen Tree	<i>Thuja x plicata</i> 'Green Giant	'Green Giant' Arborvitae
Permitted Evergreen Tree	<i>Tsuga canadensis</i>	Canadian Hemlock
Prohibited Invasive Tree	<i>Acer ginnala</i>	Amur Maple
Prohibited Invasive Tree	<i>Acer platanoides</i>	Norway Maple
Prohibited Invasive Tree	<i>Acer pseudoplatanus</i>	Sycamore Maple
Prohibited Invasive Tree	<i>Ailanthus altissima</i>	Tree-of-heaven
Prohibited Invasive Tree	<i>Albizia julibrissan</i>	Mimosa
Prohibited Invasive Tree	<i>Alnus glutinosa</i>	European Black Alder
Prohibited Invasive Tree	<i>Aralia elata</i>	Japanese Angelica Tree
Prohibited Invasive Tree	<i>Aralia spinosa</i>	Devil's Walking Stick
Prohibited Invasive Tree	<i>Broussonetia papyrifera</i>	Paper-mulberry
Prohibited Invasive Tree	<i>Catalpa bignonioides</i>	Catalpa
Prohibited Invasive Tree	<i>Elaeagnus angustifolia</i>	Russian Olive
Prohibited Invasive Tree	<i>Elaeagnus umbellata</i>	Autumn Olive
Prohibited Invasive Tree	<i>Kalopanax septemlobus</i>	Castor aralia
Prohibited Invasive Tree	<i>Magnolia tripetala</i>	Umbrella Tree
Prohibited Invasive Tree	<i>Malus toringo</i>	Japanese Crabapple
Prohibited Invasive Tree	<i>Morus alba</i>	White Mulberry
Prohibited Invasive Tree	<i>Morus australis</i>	Chinese Mulberry
Prohibited Invasive Tree	<i>Paulonia tomentosa</i>	Empress Tree
Prohibited Invasive Tree	<i>Phellodendron amurense</i>	Amur Corktree
Prohibited Invasive Tree	<i>Populus alba</i>	White Poplar
Prohibited Invasive Tree	<i>Populus x canescens</i>	Gray poplar
Prohibited Invasive Tree	<i>Prunus avium</i>	Sweet Cherry
Prohibited Invasive Tree	<i>Pyrus calleryana</i>	Callery/Bradford Pear
Prohibited Invasive Tree	<i>Robinia pseudoacacia</i>	Black Locust
Prohibited Invasive Tree	<i>Salix alba</i>	White Willow
Prohibited Invasive Tree	<i>Salix matsudana</i>	Chinese Willow
Prohibited Invasive Tree	<i>Ulmus parvifolia</i>	Chinese Elm
Prohibited Invasive Tree	<i>Ulmus procera</i>	English Elm
Prohibited Invasive Tree	<i>Ulmus pumila</i>	Siberian Elm
Prohibited Street Tree	<i>Acer campestre</i>	Hedge Maple
Prohibited Street Tree	<i>Acer ginnala</i>	Amur maple
Prohibited Street Tree	<i>Acer palmatum</i>	Japanese Maple
Prohibited Street Tree	<i>Cornus</i> , all species	Dogwood, all species
Prohibited Street Tree	<i>Crataegus</i> , all species	Hawthorn, all species
Prohibited Street Tree	<i>Fagus</i> , all species	Beech, all species
Prohibited Street Tree	<i>Fraxinus</i> , all species	Ash, all species
Prohibited Street Tree	<i>Ginkgo biloba</i> (female)	Maidenhair
Prohibited Street Tree	<i>Gleditsia tricanthos</i> (common, thorny)	Honeylocust (common, thorny)
Prohibited Street Tree	<i>Halesia diptera</i>	Silverbell
Prohibited Street Tree	<i>Juglans</i> , all species	Walnut, all species

Prohibited Street Tree	Liquidambar styraciflua (female)	Sweetgum (female)
Prohibited Street Tree	Malus, all species	Crabapple, all species
Prohibited Street Tree	Metasequoia glyptostroboides	Dawn Redwood
Prohibited Street Tree	Maclura pomifera	Osage Orange
Prohibited Street Tree	Salix, all species	Willow, all species
Prohibited Street Tree	Taxodium distichum 'Shawnee Brave'	'Shawnee Brave' Bald Cypress