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ORDINANCE 2021 – 10

**AN ORDINANCE AMENDING, REPLACING AND/OR REPEALING
CERTAIN SECTIONS OF MEDFORD TOWNSHIP ORDINANCE 2020-22
("TREE ORDINANCE") CODIFIED AS CHAPTER 123 OF THE
MEDFORD TOWNSHIP CODE**

WHEREAS, the Township Council of the Township of Medford adopted Ordinance 2020-22 to enact specific provisions regarding the removal of trees on individual lots or tracts of land in the Township; and

WHEREAS, the Township Council, after further review of the definitions and provisions of the Tree Ordinance, and the review of Ordinance 2020-22 by the New Jersey Pinelands Commission, finds that certain provisions of the Tree Ordinance require clarification and are in need of revision; and

WHEREAS, the Township Council for the Township of Medford deems it to be in the best interests of its residents to adopt this Ordinance.

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 Ordinance 2020-22 "Tree Ordinance" be and is hereby amended as follows:

SECTION ONE: The definition of "Caliper" in Section B is hereby repealed, deleted and replaced as follows:

Caliper: Standard measure of tree size for trees to be newly planted. The measurement is taken between 6-12 inches above the ground level depending on propagation method, e.g. ball & bur-lapped/containerized, bare root.

SECTION TWO: The definition of "Tree" in Section B for purposes of calculating tree removal quantity is hereby repealed, deleted and replaced as follows:

Tree: For purposes of calculating tree removal quantity, "tree" shall mean any living woody perennial deciduous plant with a diameter of at least six inches (6") measured fifty-four inches (54") above the ground.

SECTION THREE: The exemption in Section D.2 (d) is hereby repealed, deleted and replaced as follows:

- (d). Any tree may be removed pursuant to an application for development (as defined in the Municipal Land Use Law, N.J.S.A. 40:55D-1 et. seq.) approved by the Medford Township Planning or Zoning Board, and, where required, the New Jersey Pinelands Commission, (collectively the “approving authority”).

SECTION FOUR: Section G.1 is hereby repealed, deleted and replaced as follows:

1. Each newly planted tree shall have a minimum caliper at the time of planting of one and one-half inches (1½”).

SECTION FIVE: Section G.2 is hereby repealed, deleted and replaced as follows:

2. 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.

SECTION SIX: Section G.3 is hereby repealed, deleted and replaced as follows:

3. Each newly planted tree shall be of nursery stock and shall be balled and burlapped, containerized or bare root.

SECTION SEVEN: The prohibition in Section K.3 is hereby repealed, deleted and replaced as follows:

3. The sale of wood at “wood stands” or similar facilities is prohibited except at (a) retail commercial establishment 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. 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 Section 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.

SECTION EIGHT: *REPEALER, SEVERABILITY AND EFFECTIVE DATE*

- A. Any and all Ordinances and provisions thereof inconsistent with the provisions of this Ordinance shall be and are hereby repealed to the extent of such inconsistency
- B. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision and the remainder of this ordinance shall be deemed valid and effective.
- C. This Ordinance shall take effect immediately upon final passage and publication according to law.

Township of Medford

Ordinance 2021-10

“An Ordinance Amending, Replacing and/or Repealing Certain Sections of Medford Township Ordinance 2020-22 (“Tree Ordinance”) Codified as Chapter 123 of the Medford Township Code”

The above entitled ordinance was passed on first reading at a meeting of the Township Council of the Township of Medford on June 1, 2021. It will be further considered for final passage after a public hearing at the regularly scheduled meeting to be held on June 15, 2021 at the Public Safety Building, 91 Union Street, Medford, New Jersey at 7:00 PM, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be heard. Copies of this ordinance will be made available at the Municipal Clerk’s office to members of the general public who shall request them.



Katherine Burger, RMC
Municipal Clerk

Township of Medford
Notice of Final Adoption
Ordinance 2021-10

“An Ordinance Amending, Replacing and/or Repealing Certain Sections of Medford Township Ordinance 2020-22 (“Tree Ordinance”) Codified as Chapter 123 of the Medford Township Code”

Notice is hereby given that the Ordinance as entitled above was adopted following second reading and public hearing at a regular meeting of the Township Council of the Township of Medford, County of Burlington, State of New Jersey, held at the Public Safety Building, 91 Union Street, Medford, New Jersey on June 15, 2021.



Katherine E. Burger
Township Clerk