



CITY OF ENGLEWOOD

Tree Removal Permit Application



Englewood

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TREE REMOVAL PERMIT APPLICATION CHECKLIST

The following shall be completed as part of your Tree Removal application.
Please verify that the following items/forms have been completed.

1. ESCROW ACCOUNT FORM: _____
2. DESCRIPTION OF WORK FOR BOND ESTIMATE: _____
3. W-9 (IRS FORM): _____
4. WRITTEN NOTICE TO ADJACENT PROPERTIES:
(copy of notice(s) to be provided to the City Engineer's office) _____
5. ALERT HOMEOWNERS WITHIN 200' RADIUS: _____
6. TREE REPLACEMENT PLAN _____
7. COPY OF TREE EXPERT/OPERATOR'S LICENSE _____

* **Note:** The enclosed Sample Notification letter is meant to be used as a guideline only



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ESCROW ACCOUNT FORM:

APPLICANT'S NAME: _____

PROPERTY OWNER (if different) : _____

STREET ADDRESS OF WORK: _____

START DATE: _____

COMPLETION DATE: _____

CONTRACTOR: _____

CONTRACTOR'S ADDRESS: Street: _____

City: _____

State: _____

Zip: _____

CONTRACTOR'S PHONE NO.: _____

CONTACT PERSON: _____

ARBORIST/TREE EXPERT LICENSE NO. _____

(Copy of License to be provided with completed application)

SOC. SEC. NUMBER or TAX ID NUMBER: _____

ATTORNEY: _____

ATTORNEY PHONE NO.: _____

CITY OF ENGLEWOOD USE ONLY

ACCOUNT NUMBER: _____

PROJECT NAME: _____

BLOCK: _____

LOT: _____



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DESCRIPTION OF WORK

REASON FOR TREE REMOVAL: _____

LIST QUANTITY, CALIPER, AND SPECIES OF TREES TO BE REMOVED :

<u>SPECIES</u>	<u>CALIPER</u>	<u>QUANTITY</u>

LIST QUANTITY, CALIPER, AND SPECIES OF TREES TO BE REPLANTED :

<u>SPECIES</u>	<u>CALIPER</u>	<u>QUANTITY</u>

I hereby grant permission to the City of Englewood officials and/or their employees to enter the premises and make surveys and inspections during the operation.

DATE

SIGNATURE

Request for Taxpayer Identification Number and Certification

► Go to www.irs.gov/FormW9 for instructions and the latest information.

Give Form to the
requester. Do not
send to the IRS.

Print or type.
See Specific Instructions on page 3.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.	
2 Business name/disregarded entity name, if different from above	
<p>3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes.</p> <p><input type="checkbox"/> Individual/sole proprietor or single-member LLC</p> <p><input type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ► _____</p> <p>Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is not disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner.</p> <p><input type="checkbox"/> Other (see instructions) ► _____</p>	<p>4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):</p> <p>Exempt payee code (if any) _____</p> <p>Exemption from FATCA reporting code (if any) _____</p> <p><small>(Applies to accounts maintained outside the U.S.)</small></p>
5 Address (number, street, and apt. or suite no.) See instructions.	Requester's name and address (optional)
6 City, state, and ZIP code	
7 List account number(s) here (optional)	

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

Note: If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number									
or									
Employer identification number									

Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
3. I am a U.S. citizen or other U.S. person (defined below); and
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign Here	Signature of U.S. person ► _____	Date ► _____
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General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to www.irs.gov/FormW9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-INT (interest earned or paid)

- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See *What is backup withholding*, later.

TREE REMOVAL PERMIT
SAMPLE NOTICE LETTER

(Date)

(Addressee)

(Delivery Address)

Englewood, New Jersey 07631

Re: Tree Removal at (address of work)

Dear (Addressee),

In accordance with the Englewood Tree Ordinance (code 425-10D), you are being notified of our application for a tree removal permit at (address of work). The work includes the removal of (#) trees and includes the planting of (#) replacement trees.

Sincerely,

(Addresser Signature)

c. City Engineer's Office, 2-10 N. Van Brunt St., Englewood, NJ 07631



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TREE REMOVAL WITHIN THE CITY OF ENGLEWOOD

PERMIT REQUIRED:

No person shall cut or remove, or cause to be cut or removed any regulated tree(s) without first obtaining a written permit or waiver from the Office of the City Engineer or designee.

No person shall cut or remove, or cause to be cut or removed more than 2 regulated trees within a 5 year period without first obtaining a written permit from the Office of the City Engineer or designee.

Permits may be obtained at the office of the City Engineer, 2-10 N. Van Brunt Street, Englewood, New Jersey 07631.

APPLICATIONS:

All requirements of sections §425-10 & §425-11 of the City tree Ordinance shall be satisfied.

The applicant shall provide a copy of the license for arborist or tree expert associated with the work, as part of the permit application.

PERMIT FEE:

The fee for a permit shall be Fifty (\$50.00) dollars per regulated tree to be removed.

ESCROW REQUIREMENTS:

No Tree Removal permit shall be granted to any applicant, until the applicant shall give a satisfactory escrow to the City in the amount of \$250.00 per required replacement tree.

Office of the City Engineer:	2-10 N Van Brunt Street Englewood, New Jersey 07631	(201)567-0001
Office of the City Clerk:	Ms. Yancy Wazirmas	(201)510-8212
Police Department, Traffic:	Sergeant Martin	(201)871-6411 (201)568-2863
Attachments:	APPLICATION ORDINANCE CHAPTER 425	



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FEE SCHEDULE (code 191-10)

PLANNING AND ENGINEERING:

ENGINEERING AND REVIEW FEES:
LEGAL FEES:

\$140.00 per hour
\$140.00 per hour

INSPECTION FEES:

CITY ENGINEER:
ENGINEERING STAFF:

\$140.00 per hour
\$140.00 per hour

RIGHT OF WAY PERMIT FEE:

\$25.00 plus bond

BOND REQUIREMENTS:

RGO 22-16(b)

CONCRETE CURB:
CONCRETE CURB & GUTTER:
CONCRETE SIDEWALK 5 INCHES:
CONCRETE SIDEWALK 7 INCHES (apron):
CONCRETE PAVEMENT:
ASPHALT CONCRETE BASE:
ASPHALT STONE BASE:
UNIMPROVED & PLANTED AREAS:
MINIMUM FEE:

\$15.00 per linear ft.
\$20.00 per linear ft.
\$5.00 per sq. ft.
\$6.00 per sq. ft.
\$8.00 per sq. ft.
\$9.00 per sq. ft.
\$8.00 per sq. ft.
\$4.00 per sq. ft.
\$140.00

SEWERS PERMIT FEE:

RGO 22-36

CONNECTION TO SANITARY:
(residential or commercial)
CONNECTION TO SANITARY:
(industrial)
CONNECTION TO STORM FACILITIES:
DISCONNECTION FROM STORM FACILITIES:

\$35.00
\$100.00
\$150.00
\$25.00

TREE PERMIT FEE:

The fee for a permit shall be Fifty (\$50.00) dollars per regulated tree to be removed.

No Tree Removal Permit shall be granted to any applicant, until the applicant has given a satisfactory escrow to the City in the amount of \$250.00 per required replacement tree.



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Chapter 425

TREES

ARTICLE I

Protection of Trees

§425-1. Permit required for certain actions.

§425-2. Conditions for issuance of permit.

§425-3. Electric wires.

§425-4. Injurious substances prohibited.

§425-5. Violations and penalties.

ARTICLE II

Removal of Trees

§425-6. Purpose.

§425-7. Definitions.

§425-8. Cutting or removal restricted.

§425-9. Project permit required.

§425-10. Project permit application process.

§425-11. Tree replacement plan

§425-12. Contribution to Tree Fund in lieu of planting.

§425-13. Exemptions.

§425-14. Restrictions.

§425-15. Fees.

§425-16. Violations and penalties.

§425-17. Appeal process.

§ 425-18. Time of Completion.

§ 425-19. Protection of Existing Trees.

§ 425-20. Protection of Landmark Trees.

[HISTORY: Adopted by the City Council of the City of Englewood as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Environmental Commission - See Ch. 8, Art. II.
Removal of dead and dying trees - See Ch. 129, Art. I.

Trees damaged during moving of buildings - See Ch. 140
Site plan review - See Ch. 250, Art. VI, §250-36

ARTICLE I

Protection of Trees

[Adopted 10-5-1978 by Ord. No. 2335 as §§ 15-1, 15-33 to 15-36 of the 1978 Revised



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General Ordinances]

§ 425-1. Permit required for certain actions.

No person shall do or cause to be done any of the following acts upon a street or public highway within the City without first obtaining a permit therefor from the City Engineer:

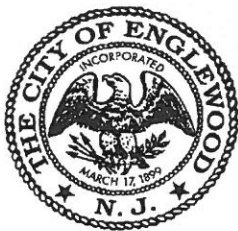
- A. Cut, trim, break, climb with spikes, disturb the roots of or otherwise injure or spray with any chemical any tree or shrub; remove any living shrub; injure, misuse or remove any structures or device placed to support or protect any tree or shrub.
- B. Plant any tree or shrub
- C. Fasten any rope, wire, electric attachment, sign or other device to a tree or shrub or to any guard about a tree or shrub.
- D. Close or obstruct any open space provided about the base of a tree or shrub to permit the access of air, water or fertilizer to the roots of thereof.
- E. Pile any building material or install any mortar or cement within six feet of a tree or shrub.

§ 425-2. Conditions for issuance of permit.

No such permit shall be issued unless such requested action is necessary for properly authorized construction or other work and unless the City Engineer is satisfied that there is no other reasonable method of accomplishing same and that all precautions to eliminate any material Soil Erosion, drainage and/or similar problems have been implemented to minimize any potential damage or injury to trees, shrubs and that there will be no resultant damage to sidewalks, streets, or adjacent lots.

§ 425-3. Electric wires.

Every person having control over any wire for the transmission of electric current along a public highway shall at all times guard the trees through which or near which such wire passes against any injury from the wire or from the electric current carried by it.



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§ 425-4. Injurious substances prohibited.

No person shall permit any brine, gas or injurious chemical to come in contact with the stem or roots of any tree or shrub upon any street or highway.

§ 425-5. Violations and penalties. [Amended 2-6-1990 by Ord. No. 90-02]

- A. Any person who violates any provision of this article shall upon conviction thereof be punished by a fine of \$1,000 per tree removed above the allowable 2 trees within a five year period or by imprisonment for a term not exceeding 90 days, or both.
- B. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

ARTICLE II

Removal of Trees

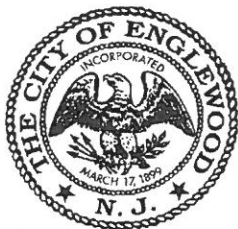
[Adopted 12-19-1995 by Ord. No. 95-22; amended in its entirety 12-19-2000 by Ord. No. 00-24]

§ 425-6. Purpose.

- A. The City Council of Englewood has determined that it is necessary to maintain and improve the City's tree stock because of the important role it plays in contributing to the aesthetic beauty of, and improving the quality of life within the City of Englewood by, without limitation, (i) removing carbon dioxide and other pollutants from the air; (ii) replenish oxygen; (iii) controlling drainage; (iv) reducing storm water runoff; (v) replenishing groundwater supplies; (vi) preventing soil erosion; (vii) restoring denuded soil; (viii) providing shade; (ix) conserving energy; (x) providing visual screen and sound attenuation; (xi) maintaining the mature tree inventory; and (xii) providing food and shelter for birds and other wildlife.
- B. This article preserves, improves, and perpetuates the City's tree stock by providing regulatory control over the removal of trees which have attained a specific minimum size and to provide for orderly replacement of said trees by property owners and/or their agents.

§ 425-7. Definitions.

For the purposes of this article, the below terms have the following defined meanings:



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BALLED AND BURLAPPED (B & B) — A method of excavation in which the subject tree is removed along with soil surrounding its roots, and such soil and roots are wrapped and laced.

DIAMETER AT POINT OF MEASUREMENT or DPM — The diameter of a tree measured at a point on the trees six (6) inches from ground level on the downhill side.

DRIP LINE – An imaginary line on the ground beneath a tree, the location determined by extending a vertical line from the outermost branches of a tree to the ground.

EMERGENCY REMOVAL — A removal which is necessitated by any event, whether natural or man-made, which requires the immediate removal of a regulated tree because it has been determined that such tree presents an imminent hazard to the public's safety. Such determination shall be made by a certified arborist or City official as authorized by the City Manager. Emergency removals may be authorized by the City Engineer prior to a permit; however, a permit and replacement plan shall be required within seven (7) days of removal. If a permit application is not received within seven days of removal, the City may take the enforcement steps in this article. **[Amended 2-25-2014 by Ord. No. 14-04A]**

LANDMARK TREE – Any tree designated and identified as such by the City Council pursuant to the standard set forth herein.

LANDMARK TREE REGISTRY – A register of all landmark trees within the City of Englewood which shall be promulgated by the City Council at a public hearing on public notice.

MAJOR TREE – A nursery-grown certified, balled and burlapped deciduous tree with a mature height of at least fifty (50) feet and a DPM of three and one-half (3 ½”) inches at the time of planting. All major trees shall be chosen from the following approved listing or other trees designated and approved by the City Arborist.

Common Name/Scientific Name of acceptable Major trees

Red maple/Acer rubrum; Sugar maple/Acer saccharum;
Sweet gum/Liquidambar styraciflua; London plane/Platanus x acerifolia; American sycamore/Platanus occidentalis; White oak/Quercus alba;
Pin oak/Quercus palustris; Red oak/Quercus rubra;
American elm/Ulmus americana;
Copper beech/Fagus sylvatica v. purpurea; or



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PROJECT — Any undertaking whatsoever which would involve potential damage to or which may result in the planned or unplanned removal of one (1) or more regulated trees. Such projects shall include, but not be limited to, new construction, modifications of existing structures, grade modification and drainage improvement works, except for those exempted in § 425-13 of this article.

REGULATED TREE — A deciduous or coniferous tree which has attained at least 30 feet in height or a DPM of at least eight (8) inches prior to any pruning, limb removal or other such activity.

REMOVAL — Any activity which results in cutting down completely or substantially eliminating a regulated tree from the City's tree stock. "Removal" shall include, without limitation, the following: (i) soil compaction or damage inflicted to the root system of any tree; (ii) change of the natural grade above or below the root system or around the trunk of any tree; (iii) excessive pruning or thinning of any tree leading to a failure to thrive; (iv) damage inflicted to any tree permitting fungus, pests or other infestation; (v) or the application of any harmful or toxic substance.

REMOVAL PERIOD — A period of time consisting of 365 consecutive days after a permit is issued for a project which is regulated by this article. **[Amended 2-25-2014 by Ord. No. 14-04A]**

REPLACEMENT PLAN — A plan developed in accordance with and conforming to the provisions of this article which has been approved by the City Engineer.

REPLACEMENT TREE — A nursery-grown certified, balled and burlapped tree bearing a durable label upon which the following data is set forth: genus, species, variety, watering and fertilization requirements. All replacement trees shall be chosen from the following approved tree listing or other trees designated and approved by the City Arborist. Replacement trees shall be selected within the same tree group as the removed tree(s) (ie. a deciduous tree removed shall be replaced by deciduous tree(s)).

Common Name/Scientific Names of acceptable Evergreen, Deciduous, and Ornamental trees

Birch/Betula	Dogwood/Cornus
Red Maple/Acer rebrum	Japanese Maple/Acer palmatum
Sugar Maple/ Acer saccharum	Cherry/Prunus
Sweet Gum/Liquidambar styraciflua	Crabapple/Malus
London Plane/Platanus x acerifolia	Magnolia/Magnolia
American Sycamore/Platanus occidentalis	Ornamental Pear/Pyrus calleryana "Chantcleer" or "Redspire"
White Oak/Quercus alba	Cedar/Cedrus
Pin Oak/Quercus palustris	Cypress/Cupressus
Red Oak/Quercus rubra	Arbrovitae/Thuja
American Elm/Ulmus Americana	Cryptomeria/Cryptomeria
Copper Beech/Fagus sylvatica v. purpurea	Dawn Redwood/Metasequoia glyptostroboides



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Fir/Abies
Spruce/Picea

Larch/Larix
Pine/Pinus

SITE PLAN — A plan as defined by Chapter 250, Land Use, of the Code of the City of Englewood.

SPECIES — For the purpose of this Section, the common name of the tree.

§ 425-8. Cutting or removal restricted. [Amended 2-25-2014 by Ord. No. 14-04A]

With the exception of the exemptions set forth in § 425-13 of this article, no person shall cut or remove, or cause to be cut or removed, any regulated tree upon any lands within the City of Englewood, unless a project permit or permit waiver has been obtained from the City Engineer for the removal of such regulated tree and such removal is performed in strict accordance with the provisions of this article.

In addition to the foregoing, New Jersey State Laws and Regulations are hereby expressly incorporated by reference as they pertain to tree expert and tree operator licensing and the requirements and standards set forth in said State Statutes and Regulations, including but not limited to the Tree Experts and Tree Care Operator's Licensing Act and such implementing State regulations.

§ 425-9. Project permit required. [Amended 2-25-2014 by Ord. No. 14-04A]

A project permit is required for the removal of three (3) or more regulated trees within a five-year period upon any land within the City of Englewood. Permit requirements are subject to the provisions of §425-2

A permit waiver is required for the removal of less than three regulated trees within a five-year period upon any land within the City of Englewood. In such cases, a letter on the tree remover's letter head shall be submitted to the City Engineer's office containing the number, size, species, and reason for tree removal.

§ 425-10. Project permit application process.

- A. Project permit application submission. Applications for tree removal project permit(s) shall be submitted to the City Engineer prior to the removal of any regulated tree hereunder.
- B. Application contents. An application for applying for and issuing a tree removal permit shall consist of the following:



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- (1) The name and address of the owner of the land;
- (2) The name and address of the applicant for the permit, if other than the owner of the land, together with a copy of such owner's signed consent to such application;
- (3) The description of the lands in question, including the lot and block numbers and street address of the land as shown on the current Tax Map of the City of Englewood;
- (4) The purpose or reason for removing the tree(s);
- (5) The quantity, caliper size and species of tree(s) to be removed, and whether any such tree(s) are landmark tree(s);
- (6) The proposed dates for commencement and completion of the project;
- (7) Name and address of the person having express charge, supervision, and/or control of the proposed removal of tree(s);
- (8) A written statement of plans for the proposed replanting of trees as required herein;
- (9) A statement granting permission to City officials or their employees to enter the premises and make surveys and inspections as the work progresses ; and
- (10) A tree replacement plan that includes quantity, caliper size and species of tree(s) to be replanted.
- (11) Submission of the tree expert and tree operator's license pursuant to New Jersey State Law, including but not necessarily limited to the Tree Experts and Tree Care Operator's Licensing Act.
- (12) A cash performance bond shall be posted with each Application in an amount to be determined by the City Arborist or a certified tree expert retained by the City of Englewood to provide for restitution in the even that trees are improperly removed.

C. Marking. The applicant shall place one (1) inch wide ribbon around the trunk of each tree to be removed at a height of approximately four (4) feet above the ground so that the proposed removal may be inspected in the field. Such markings shall remain in place until the (i) the removal of such tree or (ii) the abandonment of the project.



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- D. Notice to Property Owners. For any tree removal of more than two regulated trees within any five (5) year period, the applicant shall (i) provide written notification of the proposed tree removal to all adjacent property owners of the property in question, (ii) submit written evidence of such notification to the City Engineer at the time of application for the tree removal permit. The applicant shall also alert all owners within two hundred feet of the property in question of the proposed tree removal.
- E. The City Engineer shall (i) review the application to determine whether the project complies with this article, (ii) visit and inspect the project location, (iii) ensure that all Soil Erosion and Sediment guidelines have been satisfied (iv) and shall provide written notice to the applicant indicating one of the following determinations:
 - (1) The project permit is granted; stating the date on which such permit is granted and the date on which such permit shall become effective, subject to the provisions of §425-11 hereof; or
 - (2) The project permit is granted subject to prescribed conditions attached to such notice; stating the date on which such permit is granted and the date on which such permit shall become effective, subject to the provisions of §425-11 hereof; or
 - (3) The project permit is denied, in which event a written notice shall state the reasons for such denial.
- F. The City Engineer shall make the foregoing determination and prepare and furnish the foregoing notices within 30 calendar days following submission of a completed application.
- G. Failure of the City Engineer to make said determination within such thirty-day period, or within any extension of time granted by the applicant, shall constitute and have the same effect as a denial.
- H. Any proposed change in the approved project shall be submitted to the City Engineer for approval in the same manner as an original application for approval of a project.
- I. The applicant shall maintain a copy of the approved permit at the project location which shall be available for inspection.



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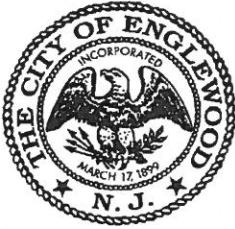
§ 425-11. Tree replacement plan.

A. A tree replacement plan shall consist of the following:

- (1) A site plan, on a scale of one inch equals 30 feet or less, showing the location of existing trees and clearly marked property boundaries . There shall be a list identifying the number and species of trees inventoried. The site plan shall include the lot and block numbers, the street address, if assigned, and a certification of compliance with the requirements of this article.
- (2) Locations of streams and other watercourses.
- (3) Locations of slopes of greater than 10% where any tree removal is proposed.
- (4) The location(s) on the tract where tree removal is to take place.
- (5) The total acreage of the tract.
- (6) The total number, by species, of existing trees with a DPM of eight inches or greater on the tract. As well as any Landmark tree(s).
- (7) The total number, by species, of trees with a DPM of eight inches or greater which are to be removed.
- (8) Proposed Soil Erosion and sediment control measures.

B. All specific plans for replacement of removed trees shall be based on the following requirements:

- (1) The replacement trees shall be planted on the property where the trees were removed or in a location designated by the City Arborist or a Certified Arborist to promote survival.
- (2) The species of trees that are to be replaced shall be selected from the City approved Tree listing or approved by the City Engineer in consultation with the City Arborist and comply with the definition of "replacement tree" set forth in § 425-7 hereof.
- (3) The applicant shall provide a two (2) year survival guarantee for all replacement trees, after the completion of any project or planting. During the guarantee period, any dead or dying replacement tree(s) shall be replace by the applicant within six (6) months.



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- (4) Replacement trees, including the size and number of trees, shall be planted in accordance with the following table: [Amended 2-25-2014 by Ord. No. 14-04A). All removal trees with a DPM greater than twelve (12") inches shall be replaced by a major tree and comply with the definition of "major tree" set forth in § 425-7 hereof.

Size of Tree Removed (inches DPM)	Number of Replacement Trees with a DPM of at Least 3½ Inches
8 but less than 12 inches	1
12 but less than 18 inches	2
18 but less than 24 inches	3
24 but less than 36 inches	4
36 or greater	To be determined in consultation with the City Engineer after consideration of the project, but in any event, not less than 6

* The removal of any regulated tree within the minimum planting areas set forth in Chapter 250, Land Use, of the Code of the City of Englewood, is not permitted. Any such removal shall require a number of replacement trees not less than twice the required number of replacement trees reflected in the above table and a fine set forth in §425-5 hereof.

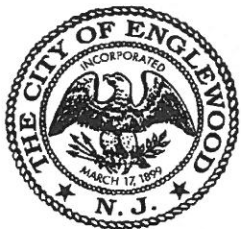
§ 425-12. Contribution to Tree Fund in lieu of planting. [Amended 2-25-2014 by Ord. No. 14-04A)

In certain circumstances, the City Engineer may authorize a contribution to the City's Environmental Commission Tree Fund in lieu of planting replacement trees on site where he determines that the purposes of this article would be furthered thereby. Such contribution shall bear a reasonable relationship to the cost of planting trees which would otherwise be required under § 425-11 of this article, but in no case shall it be less than \$300 per required replacement.

§ 425-13. Exemptions.

The following shall be exempt from the requirements of this article:

- A. Commercial nurseries
- B. Pruning within the right-of-way by utility companies for maintenance of utility wires or pipelines. The utility company shall notify the City Engineer prior to commencing such work.



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- C. Trees that are deemed to be removed by the City that are on or over a public right-of-way.
- D. Public parklands owned by the City of Englewood or Flat Rock Brook Nature Center.
- E. Any projects that have received building permit prior to enactment of this article.
- F. Trees that are deemed to be removed as part of a municipal project.¹
- G. Emergency Removals

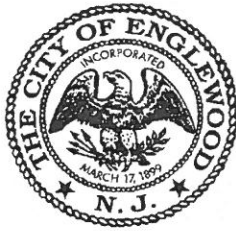
§ 425-14. Restrictions.

- A. No permit shall be issued for the removal of any tree within the minimum planting areas set forth in Chapter 250, Land Use, of the Code of the City of Englewood unless such removal is deemed necessary by a NJ licensed arborist and with the written consent of the City Engineer.
- B. Removal of regulated trees shall be limited to the area of an existing or proposed structure to a distance of fifteen (15) feet from exterior walls or eaves of porches and new swimming pools; and a distance of five (5) feet from site structures such as walks, parking areas, driveways, courts, patios and other related structures.

§ 425-15. Fees.

An application for a tree removal permit shall be accompanied by the required fee as set forth below:

- A. Permit for each tree removal: as provided for in Chapter 191, Fee Schedule. [Amended 4-24-2012 by Ord. No. 12-14]
- B. (Reserved)²
- C. An escrow shall be established in the amount of \$250 per replacement tree which shall be retained until the tree replacement plan is completed. Engineering review fees in connection with the implementation of a tree replacement plan shall be paid from the escrow at the rate established for engineering review fees in connection with site plan approval. In addition, in the event the tree replacement plan is not completed within the time specified by the City Engineer, the City may use such escrow to complete the tree replacement plan or, in lieu thereof, deposit said escrow in the Tree Replacement Fund. Upon completion of the tree replacement plan, the balance remaining in said escrow after payment of the foregoing fees, if any, shall be returned to the applicant. [Amended 2-25-2014 by Ord. No. 14-04A]



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§ 425-16. Violations and penalties. [Amended 8-19-2008 by Ord. No. 08-21]

- A. Any person, including but not limited to owners, tenants, operators, and their agents or representatives, who violates any provisions of this article shall be liable for a fine of \$1,000 per tree over the permitted number of trees or imprisonment for a term not in excess of 90 days, or both
- B. In the event that, in any instance, three (3) or more regulated trees have been removed from a tract without a tree removal permit, and it is unknown how many such regulated trees were removed, then the number of trees requiring mitigation hereunder shall be computed as follows:
 - (i) by assuming that regulated trees greater than six (6) inches in caliper existed thirty (30) feet on center and
 - (ii) by plotting the maximum number of such trees on such tract as circles having a radius of fifteen (15) feet and without such circles overlapping or extending beyond the boundary lines of such tract or the drip lines of existing regulated trees.
 - (iii) An escrow shall be established for the calculated replacement tree amount as set forth in § 425-15 hereof

In addition to the penalties set forth above, the City may require a person who removes or otherwise destroys a tree in violation of the Municipal Ordinance or State Law and Regulations to pay a replacement assessment to the municipality. The replacement assessment shall be the value of the tree as determined by the appraisal of the City Arborist or a certified tree expert retained by the City of Englewood for that purpose.

§ 425-17. Appeal process. [Added 2-25-2014 by Ord. No. 14-04A]

Appeal of a decision by the City Engineer:

- A. In the event that an applicant does not agree with either the rejection of an application or the conditions imposed by the City Engineer, or the applicant believes that the standards set forth in this article constitutes a hardship, the applicant may present an appeal to the City Manager, who at his discretion may request assistance from a representative of the Englewood Environmental Commission and/or the City Arborist, to render a decision or forward the appeal to the Planning Board, within 30 days of the submittal.
- B. In the event that the decision of the City Engineer is so appealed, then
 - (1) The effective date of such permit shall be stayed until the decision of the City Manager or Planning Board with respect to such permit shall have been rendered,
 - (2) The issuance of such permit, and the terms thereof, shall be subject to the decision of the City Manager or the Planning Board.
- C. In the event that a notified property owner objects to the removal of any regulated tree or the decision of the City Engineer under this article, solely on the grounds that the removal or decision violates the City Tree



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Ordinance, then such property owner(s) may appeal the removal or the decision of the City Engineer to the Planning Board. Such appeal must satisfy all Board and City Land Use Code requirements.

§ 425-18. Time of Completion.

Any and all trees required to be planted by the applicant pursuant to §425-11 of this article shall be planted within six (6) months after the completion of the project for which the permit was issued. The applicant may submit a written request to the City Engineer for an extension of time of up to three (3) months due to unforeseen circumstances, including weather conditions, which request shall not be unreasonably denied.

§ 425-19. Protection of Existing Trees.

- A. In connection with any development / home improvement, six (6) foot portable chain link fencing or other protective barrier acceptable to the City Engineer shall be placed around trees that are not to be removed.
- B. The portable chain link fencing or other protective barriers referred to in paragraph A of this section shall be placed at a distance of at least ten (10) feet from the trunk of each tree or the tree's drip line, whichever distance shall be greater, and shall remain in place until all construction activity on the property has terminated. Should the applicant be unable to place the fencing under the dripline, the City Engineer may require a six (6) inch layer of woodchips to decrease compaction of the soil. No equipment, chemicals, soil deposits or construction materials shall be placed within 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.
- C. No person shall remove, damage, injure or disfigure any tree to be saved in connection with any project. The action of any person shall be deemed willful if an existing tree to remain is removed as defined in § 425-7 hereof
- D. Any excavation within the dripline of any tree to be saved in connection with any project regulated hereunder, whichever is greater, shall be done by airspade or hand operated equipment. No grade changes shall take place within ten (10) feet of the trunk of a regulated tree slated to remain as part of a project.

§ 425-20. Protection of Landmark Trees.

- A. Upon the recommendation of the City Engineer, City Arborist and/or the Englewood Environmental Commission, the City Council shall determine whether any tree qualifies as a landmark tree. A tree may qualify as a landmark tree if it meets one (1) or more of the following criteria:

- (1) The tree species is rare;



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- (2) The tree is more than one hundred (100) years old and healthy;
 - (3) The tree is of an abnormal height or has an abnormal trunk diameter or drip line for a tree of its species;
or
 - (4) The history, location, fragrance, aesthetic features or scenic enhancement of such tree is of special importance to the City of Englewood.
- B. All trees designated as landmark trees by the City Council shall be included in the Landmark Tree Register with appropriate code marks signifying each tree's designation, location, number, species, age, size and other distinguishing characteristics for ready reference and periodic monitoring. If and when any landmark tree is removed, the City Council shall arrange for the necessary changes to be made to the Landmark Tree Register.
- C. The City of Englewood may identify any landmark tree by the placement of a suitable marker thereon if the owner(s) of the property on which such landmark tree is located consents thereto.
- D. No person shall remove any landmark tree, whether such tree is located on public or private property, (i) without first obtaining the approval of the City Council and (ii) a tree removal permit issued pursuant to the terms of this article.
1. Editor's Note: Former Subsection H, regarding emergency removals, which immediately followed this subsection, was repealed 2-25-2014 by Ord. No. 14-04A.
2. Editor's Note: Former Subsection B, regarding projects involving $\frac{1}{2}$ acre of land or less, as amended, was repealed 2-25-2014 by Ord. No. 14-04A.