

Township of Howell, NJ

Friday, May 29, 2015

## Chapter 188. Land Use

### Article XXII. Woodlands Management

#### § 188-191. Protection of trees.

- A. Damage from electrical wires. Any person, firm or corporation having control over any wire for transmission of electrical current along a public highway shall at all times guard all trees through which or near which such wires pass against any injury from wires or from electrical current carried by them. The device or means used shall in every case be subject to the approval of the administrative officer and the local utility.
- B. Protection from injurious chemicals. No person, firm or corporation shall permit any brine, gas or injurious chemical to come into contact with the stem or roots of any tree or shrub upon a public highway, street or road or upon Township property.
- C. Injury by animals. No person, firm or corporation shall hitch or fasten an animal to any tree on a public highway or to any guard or support provided for same.
- D. Permission required for certain acts. No person shall do or cause to be done upon trees in any right-of-way, Township open space, public street, road or highway within the Township without first obtaining written permission from the Director of Public Works or the administrative officer any of the following acts:
  - (1) Cut, trim, break, climb with spikes, disturb the roots or otherwise intentionally injure, misuse or spray with harmful chemicals or remove any living tree of four inches or more DBH or remove any device installed to support to protect such trees;
  - (2) Fasten any rope, wire, electrical equipment, sign or other device to a tree or any guard about such a tree or shrub; or
  - (3) Close or obstruct any open space provided at the base of a tree, which open space is necessary to permit the access of air, water or fertilizer to the roots of such tree.
- E. Trees in public highways. No trees are permitted to be planted in the Township, county or state right-of-way. Where a person desires to control the growth of existing trees on a public highway, street or road or right-of-way by removing them or pruning the trees, then the person shall contact the Director of Public Works and request the work to be performed.
- F. Destruction of trees/easement markers.
  - (1) No person shall cut, remove or destroy, or cause to destroy, any tree growing in the Township without having first obtained a permit as provided in § 188-193 or be subject to penalties as provided in § 188-204, unless the removal of the trees is in compliance with § 188-190, titled "Exemptions."
  - (2) Any conservation easement or farmland buffer easement shall be posted with three inch by three inch anodized aluminum markers with a protective coating. The markers shall state "Conservation Easement" or "Farmland Buffer Easement" with the Howell logo. The markers may be purchased from the Township or from an approved vendor. The markers shall be attached to four-inch by four-inch by thirty-six-inch long posts made of concrete embedded in concrete. The concrete post shall be placed

24 inches into the ground so that 12 inches of the concrete post are exposed. Markers must be placed in accordance with § **188-127**, "Easements," of this Howell Township Land Use Ordinance.

G. Tree preservation standards.

- (1) No soil shall be deposited or removed within the dripline or within eight feet, whichever is greater, of any existing tree trunk. No machinery or materials shall be stored, deposited, cleaned or operated within the dripline or within eight feet, whichever is greater, of any existing trunk.
- (2) Driplines of specimen trees and isolated groupings of trees which are to remain on site shall be clearly protected by snow fencing or orange construction fence with a height of four feet, located as close to the area of disturbance as possible. This protection by snow fencing or orange construction fence shall be installed immediately prior to and maintained during construction at the site.  
[Amended 4-26-2005 by Ord. No. 0-05-1]
- (3) The grade of the land located along the dripline shall not be raised or lowered more than six inches unless compensated for by welling or retaining methods and in no event shall the welling or retaining wall methods be less than eight feet from the trunk of the tree.
- (4) All debris created during tree removal and replacement shall be removed from the lot for disposal before any certificate of occupancy shall be issued.
- (5) During the period of construction or repair of any building or structure or in the construction or repair of a street, road and highway not yet dedicated to the Township, and any project subject to Township inspection, the owner thereof or the contractor shall take every precaution to place guards eight feet from the dripline around all nearby trees on Township land or within public right-of-ways so as to effectively prevent injury to such trees. The owner and/or contractor shall each be responsible for the placement of such guards or guardrails and failure to make adequate provision for the protection of the trees shall subject the owner and builder to a penalty as hereinafter provided. Pile, heap or store any building material, soil debris, or any other matter, or make any mortar or cement, within a minimum distance of eight feet of the dripline of a tree. A sidewalk that is contained in the right-of-way or open space is excepted.
- (6) Where clearing and construction on the site results in the accidental removal of trees or severe damage, which will eventually result in removal of any tree or the removal of any tree delineated in the replacement plan, such removal or replacement for damaged tree shall be on a one-by-one basis by trees of four-inch caliper if the damaged or removed tree is between 2.5 and 16 inches DBH. If the damaged or removed tree is greater than 16 DBH, replacement shall be as set forth in § **188-194C**.

H. Right-of-way utility vegetation clearing/management and woody plant pruning and removal. It is important for the health and safety of the community that utility rights-of-way be maintained. Utilities may be underground or overhead, and it is important that vegetation not be planted too close to these utilities. It is recognized that trees are a leading cause of electrical power outages, and trees that touch power lines can be very dangerous or deadly. It is therefore the policy of Howell Township to ensure that vegetation is maintained or removed at a safe distance from utilities' rights-of-way. The safe distance spacing standards are set by the utilities. Pruning techniques will adhere to standards developed by the National Arborist Association. Howell Township relies on the specific utility's professional certified maintenance crews to maintain vegetation at a safe distance. Howell Township in no way recommends or encourages that a homeowner or an agent of the homeowner maintain or perform tree pruning or removal in a utility right-of-way on his own. Any complaints or issues regarding these rights-of-way should be directed to the Township to be resolved. It is the policy of the Township to allow the certified agents of a utility to maintain the right-of-way, including the complete removal of trees, shrubs, and/or vegetation by cutting, pruning or herbicide application by a certified applicator. It is the policy of the Township not to plant or encourage the growth of trees indiscriminately on utility rights-of-way. A list of trees and woody plants that can grow under power lines, called "Low Growing Trees and Shrubs," can be used with the written permission of the Engineering Department.