

NOTICE OF INTRODUCTION

TOWNSHIP OF EAST AMWELL
ORDINANCE 10-14

AN ORDINANCE AMENDING CHAPTER 129, TREE HARVESTING, OF THE CODE OF THE TOWNSHIP OF EAST AMWELL TO PROTECT FOREST RESOURCES AND PROVIDE CONSISTENCY WITH THE SOURLAND MOUNTAIN ZONE DISTRICT REGULATIONS

WHEREAS, the Mayor and Township Committee recognize that trees are an important ecological and economic resource; and

WHEREAS, the Mayor and Township Committee further recognize that conserving forest resources will protect the Township's water supply and that maintaining trees in a natural state is an important element of promoting an adequate, high-quality water supply; and

WHEREAS, the Mayor and Township Committee wish to ensure that sound management practices are followed in the harvesting of trees within the Township; and

WHEREAS, amendments to Chapter 129 of the Township Code are required to address an inconsistency with the provisions of the Sourland Mountain Zone District; and

WHEREAS, this ordinance is enacted to protect the health and safety of the residents of the Township pursuant to *N.J.S.A. 40:48-2*;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Township Committee of the Township of East Amwell in Hunterdon County as follows:

Section 1. The Code of the Township of East Amwell is hereby amended by repealing the current Chapter 129 and replacing it with a new Chapter 129 as follows:

§129-1 Purpose

This ordinance is intended to advance East Amwell's adopted policies and regulations to preserve, protect and enhance the sensitive forested areas of the Township by ensuring that tree removal practices comply with Best Management Practices. The Township recognizes the necessity of conserving forest resources in order to protect its water supply and that maintaining trees in a natural state is an important element of promoting an adequate, high-quality water supply in this sensitive area.

§129-2 Intent and findings.

- A. The intent of tree harvesting ordinance using Best Management Practices Manual (BMP) is to provide a means by which logging:

- (1) Is properly planned and executed.
- (2) Creates conditions favorable for reproduction/regrowth without loss of soil/nutrients.
- (3) Minimizes adverse natural environmental impact.
- (4) Is conducted according to Best Management Practices for forestry.
- (5) Protects surface and ground water quality and quantity in the forest ecosystem.
- (6) Protects and/or enhances species diversity

B. The Township Committee of East Amwell Township finds that improper techniques/practices could result in environmental degradation and a reduction in the ecological and economic value of the forest as well as damage to roads and road rights-of-way, and streams within the township. The Township Committee further finds that all timber harvesters should follow the recommended timber harvesting practices prescribed in the BMP Manual.

§129-3 Title.

This chapter shall be known as the "East Amwell Tree Harvesting Ordinance Using Best Management Practices."

§129-4 Definitions

Tree Harvest – the cutting of trees in excess of 5 trees in any six month period and excluding the removal of trees:

- that present a hazard to safety or structures
- that are diseased, dead or storm damaged
- to eliminate invasive species including, but not limited to, thorn apple, autumn olive, honey locust, poison sumac, and multi flora rose.

§129-5 Compliance with state BMP manual required.

All Tree Harvests shall comply with BMP Manual, as prepared by the New Jersey Division of Parks and Forestry and on file in the Clerk's office.

§129-6 Permit required

- A. Any Tree Harvest unless exempted herein.
- B. The permit shall be posted during the tree removal operation and be visible from the road at the entrance to the property.
- C. The landowner/lessee or their agent shall apply to the East Amwell Zoning Officer for a tree removal permit and obtain a permit at a cost of \$5 and be given a copy of Best Management Practices (BMP) Manual. The permit application shall include the location,

block and lot, acreage, type and number of trees to be harvested. Upon receipt of the fee and the completed application the Zoning Officer shall issue the permit.

- D. The permit holder shall give five business days notice to the Municipal Clerk when the work is to begin and also give notice to the Municipal Clerk when work has been completed.
- E. All work shall be subject to inspection by the Zoning Officer pursuant to §129-9 below.

§129-7 Activities not requiring permits.

Permits are not required for the following activities, which shall not be considered Tree Harvests:

- A. Clearing or clear-cutting of not more than a total of two acres of a residential lot for the construction of a dwelling/outbuilding/drive, except in the Sourland Mountain District, where clearing shall adhere to Section 92-89:I.
- B. Removal of any tree growing on property used as a nursery, garden center, Christmas tree farm or orchard, only if such use complies with zoning laws.
- C. Any cutting of trees performed as part of on-going timber stand improvement work prescribed by a state-approved forest management plan

§129-8 Violations and penalties.

Any landowner, lessee, logger, agent or other person violating this chapter shall be subject to one or more of the following: a fine not to exceed \$1,250, a term of imprisonment of not to exceed 90 days, or a period of community service not to exceed 90 days and will not be issued a new permit or license in the Township of East Amwell for said property or any property owned/leased by same entity for principal, until all violations are remediated. Each day tree harvesting continues in violation of this Chapter shall be considered a separate, distinct violation. Penalties shall reflect the extent of the violation and the associated environmental damage so as not to unduly penalize one time, minor infractions.

§129-9 Enforcement by the Zoning Officer.

- A. The Zoning Officer's responsibilities shall include, but are not limited to:
 - (1) Monitor the permit.
 - (2) Visit the site prior to and at completion of operation.
 - (3) Verify that an appropriate permit application has been filed and that harvesting has been conducted in conformity with the BMP Manual.
 - (4) Inspect site for road damage, road right-of-way damage or obvious environmental degradation.

B. If a professional opinion is needed, a forester will be hired and paid for by the permittee. These charges shall be an additional remediation charge to the permittee.

Section 2. Severability. The various parts, sections, and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section, or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

Section 3. Repealer. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 4. Effective Date. This Ordinance shall take effect upon final passage and publication pursuant to law.

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Please take notice that this ordinance was duly passed on first reading at the regular meeting of the East Amwell Township Committee, held on August 12, 2010, and will be considered for final adoption on second reading at a regular meeting of the Township Committee to be held on September 9, 2010, at 7:30 p.m. at the municipal building, 1070 Route 202/31, Ringoes, NJ 08551. All interested parties will be heard.

PUBLISHED: AUGUST 19, 2010 Issue of the Hunterdon County Democrat

BY ORDER OF THE TOWNSHIP COMMITTEE,

Peter Kneski, Mayor

Attest: _____

Teresa R. Stahl, RMC/CMC
Municipal Clerk