

**ORDINANCE NO. 2025-03
TOWNSHIP OF EAST WINDSOR
COUNTY OF MERCER**

**AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER 12A, “PROTECTION, MAINTENANCE AND
REMOVAL OF TREES,” SECTION 12A-2 “DEFINITIONS,”
SUBSECTION 12A-5 “TREE REMOVAL PERMITS”, AND
SECTION 12A-8 “CRITERIA FOR TREE REMOVAL WITHOUT
REPLACEMENT TREES’, OF THE REVISED GENERAL
ORDINANCES OF THE TOWNSHIP OF EAST WINDSOR**

WHEREAS, the Township of East Windsor has a Tier A Municipal Stormwater General Permit issued by the New Jersey Department of Environmental Protection (NJDEP) which authorizes the discharge of stormwater from municipal storm sewers; and

WHEREAS, the NJDEP has revised the Tier A Municipal Stormwater General Permit requirements regarding tree removal and replacement; and

WHEREAS, the Township is required to update Section 12A, “*Protection, Maintenance and Removal of Trees*,” of the Revised General Ordinances of the Township of East Windsor to incorporate NJDEP’s regulatory revisions.

NOW THEREFORE, BE IT ORDAINED by the Township Council of the Township of East Windsor as follows:

Section 1. Section 12A, “*Protection, Maintenance and Removal of Trees*,” of the Revised General Ordinances of the Township of East Windsor is amended as follows [new language is underlined and deleted language is indicated by ~~strikeout~~]:

1. Section 12A-2, “*Definitions*,” is amended to add the following:

PERSON Shall mean any individual, resident, corporation, utility, company, partnership, firm, or association.

2. Section 12A-5, “*Tree Removal Permits*,” Subsection 12A-5.d, “*Exemptions from Chapter*,” is amended and supplemented as follows:

12A-5.d. *Exemptions from Chapter.*

2. Removed in accordance with a “management plan” approved by the New Jersey Department of Environmental Protection or similar State or Federal agency. This includes any trees removed as part of a municipal or state decommissioning plan, 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.
8. Properties used for the practice of silviculture under an approved forest stewardship or woodland management plan that is active and on file with the municipality.

3. Section 12A-8, “*Criteria for Tree Removal Without Replacement Trees*,” Subsection 12A-8.b, “*Other Exemptions*,” is amended and supplemented as follows:

12A-8.b. *Other Exemptions*.

~~1. If the application is for a development for which a building permit to construct a new single or two-family dwelling on an individual lot is required, up to 50 percent of the number of trees on an individual lot may be removed for the purpose of clearing for the proposed building, driveway(s), septic fields, and usable yard space on the building lot(s) only, without replacement trees being required.~~

1. Residents who remove less than four trees per acre that fall into category 1, 2, or 3 of Section 12A-7 within a five-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 one 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.)

Section 2. Repealer. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 3. Severability. If any section, subsection, clause or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the remaining portions of this Ordinance.

Section 4. Effective Date. This Ordinance shall take effect 20 days after final passage and publication according to law.

ATTEST:

ALLISON QUIGLEY
Municipal Clerk

JANICE S. MIRONOV
Mayor

Introduced:
Adopted:
Effective: