

ARTICLE XI  
**Shade Tree Commission**  
[Amended 12-4-2001 by Ord. No. 41-2001; 11-18-2002 by Ord. No. 32-2002; 5-7-2024 by  
Ord. No. 20-2024]

**§ 2-41. Statutory authority and creation.**

In accordance with the provisions N.J.S.A. 40:64-1 et seq., the Shade Tree Commission of the City of Millville is hereby created having the powers enumerated in these statutes.

**§ 2-42. Members of the Shade Tree Commission.**

- A. The Shade Tree Commission shall consist of seven members who shall be appointed by the Mayor in the manner and for the terms specified by state law.
- B. All subsequent appointments, except to fill vacancies, shall be for the full term of five years, to take effect on January 1 of the year of appointment.
- C. Appointments to fill vacancies occurring on the Commission shall be for the unexpired term.
- D. The Mayor is authorized to appoint two alternate members who shall be designated as "Alternate No. 1" and "Alternate No. 2," who shall serve during the absence or disqualification of any regular member or members.
- E. The initial term of Alternate No. 1 shall be five years which shall commence on January 1 of the year of appointment. The initial term of Alternate No. 2 shall be four years which shall commence on January 1 of the year of appointment. All subsequent appointments shall be for five years.

**§ 2-43. Trimming of trees.**

- A. The owner of lands abutting all streets, lanes and alleys of the City, shall cut off all limbs and branches and trim said trees to not less than 14 feet in height measuring from the curb or sidewalk where each tree is standing.
- B. Whenever the Shade Tree Commission shall determine that a tree needs to be trimmed in accordance with the previous subsection, the Shade Tree Commission shall notify, in writing, the owner of the land to effect the necessary trimming. Said trimming shall be made within 30 days from the date of service of the written notice.
- C. In the event that a tree is not trimmed within 30 days after written notice has been served on the landowner to effect the trimming, the Shade Tree Commission may procure the trimming at its own expense. All costs expended therefor shall become a lien upon the real estate of the landowner in the same manner as taxes are a lien. The cost thereof shall be certified to the Tax Collector, and said costs shall be included in the next tax bill rendered to the landowner.
- D. In the event that the landowner has failed to effect the necessary trimming of the trees within 30 days of the service of the written notice, a formal complaint may be filed by the Shade Tree Commission against the landowner with the Municipal Court for enforcement of this section. The Municipal Court, in its discretion, may impose penalties as prescribed by

Chapter 1, General Provisions, Article III, General Penalty, and, in addition, may impose restitution in favor of the Shade Tree Commission for all moneys expended to effect the trimming of the trees.

- E. This section shall not apply to trees abutting the streets, lanes and alleys owned by the State of New Jersey or the County of Cumberland unless the State Department of Transportation or the County of Cumberland shall assent to the trimming of the trees.

**§ 2-44. Tree removal and replacement.**

- A. This section establishes the requirements for tree removal and replacement in the City of Millville to reduce soil erosion and pollutant runoff, promote infiltration of rainwater into the soil, and protect the environment, public health, safety, and welfare.
- B. The owner of land abutting any street, lane or alley of the City shall remove any tree, or part thereof, that is dangerous to public safety.
- C. Whenever the Shade Tree Commission shall determine that a tree, or part thereof, must be removed because it is dangerous to public safety, the Shade Tree Commission shall notify, in writing, the owner of the land abutting the street, lane or alley of the City where the tree is located to effect the removal. Said removal shall be made within 14 days from the date of service of the written notice.
- D. In the event that a tree, or part thereof, is not removed within 14 days after written notice has been served on the landowner to effect the removal, the Shade Tree Commission may procure the removal at its own expense. All costs expended therefor shall become a lien upon the real estate of the landowner in the same manner as taxes are a lien. The cost thereof shall be certified to the Tax Collector, and said costs shall be included in the next tax bill rendered to the landowner.
- E. Any person who removes one or more street tree(s) with a diameter of 2.5" or more at 4 1/2 feet above ground level (DBH), unless exempt under Subsection I, shall be subject to the requirements of the Tree Replacement Requirements Table below.
- F. Any person who removes one or more tree(s), as defined as tree removal, with a DBH of 6" or more per acre, unless otherwise detailed under Subsection I, shall be subject to the requirements of the Tree Replacement Requirements Table below.
- G. Replacement tree(s) shall:
  - (1) Be replaced in kind with a tree that has an equal or greater diameter than tree removed or meet the tree replacement criteria in the table below;
  - (2) Be planted within 12 months of the date of removal of the original tree(s) or at an alternative date specified by the City of Millville;
  - (3) Be monitored by the property owner for a period of two years to ensure their survival and shall be replaced as needed within 12 months.

Tree Replacement Requirements Table		
Category	Tree Removed (DBH)	Tree Replacement Criteria (See Appendix A <sup>1</sup> )
1	DBH of 2.5" (for street trees) or 6" (for non-street trees) to 12.99"	Replant 1 tree with a minimum tree caliper of 1.5" for each tree removed
2	DBH of 13" to 22.99"	Replant 2 trees with minimum tree calipers of 1.5" for each tree removed
3	DBH of 23" to 32.99"	Replant 3 trees with minimum tree calipers of 1.5" for each tree removed
4	DBH of 33" or greater	Replant 4 trees with minimum tree calipers of 1.5" for each tree removed

- H. Replacement alternatives. If the municipality determines that some or all required replacement trees cannot be planted on the property where the tree removal activity occurred, then the property owner shall plant replacement trees in a separate area(s) approved by the municipality.
- I. Exemptions. All persons shall comply with the tree replacement standard outlined above, except in the cases detailed below. Proper justification shall be provided, in writing, to the municipality by all persons claiming an exemption.
  - (1) Residents who remove less than four trees per acre that fall into Category 1, 2, or 3 of the Tree Replacement Requirements Table within a five-year period. [The number of trees removed is a rolling count across a five-year period. For example, if three 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.]
  - (2) Tree farms in active operation, nurseries, fruit orchards, and garden centers.
  - (3) 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;
  - (4) Any trees removed as part of a municipal or state decommissioning plan. This exemption only includes trees planted as part of the construction and predetermined to be removed in the decommissioning plan.
  - (5) Any trees removed pursuant to 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.
  - (6) Approved game management practices, as recommended by the State of New Jersey Department of Environmental Protection, Division of Fish, Game and Wildlife.
  - (7) Hazard trees may be removed with no fee or replacement requirement.
- J. Enforcement. This article shall be enforced by the Millville Shade Tree Commission.

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1. Editor's Note: Appendix A is included as an attachment to this chapter.

- K. Violations and penalties. Any person(s) who is found to be in violation of the provisions of this article shall be subject to a fine of \$250 per tree.