

Title 12

STREETS, SIDEWALKS AND PUBLIC PLACES

Chapters:

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Chapter 12.04

RECREATIONAL ACTIVITIES ON BRIDGES

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12.04.010 Swimming and diving prohibited.

12.04.020 Fishing.

12.04.030 Violations--Penalties.

12.04.010 Swimming and diving prohibited.

Swimming, diving, and related activities from, on or utilizing any bridge within the confines of the township is prohibited.

(Ord. 92-9 § 2 (part))

12.04.020 Fishing.

Fishing, crabbing and related activities from, on or utilizing any bridge for same within the confines of the township between dusk and dawn is prohibited.

(Ord. 92-9 § 2 (part))

12.04.030 Violations--Penalties.

Unless another penalty is expressly provided within the ordinances of the township, every person convicted of a violation of this chapter or any supplement thereto shall be sentenced in accordance with N.J.S.A. 40:49-5.

(Ord. 92-9 § 2 (part))

Chapter 12.08

TREES

Sections:

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12.08.010 Purpose.

The board of commissioners of the township does herein decide and find that the indiscriminate, uncontrolled and excessive destruction, removal and cutting of trees upon lots and tracts of land within the township has caused increased soil erosion, decreased fertility of soil and has further rendered land unfit and unsuitable for their most appropriate use, with the result that there has been and will result in the future a deterioration of conditions affecting the health, safety and general well being for the inhabitants of the township and in order to comply with the Pinelands Comprehensive Management Plan, the township has caused the passage of this chapter to regulate and control the indiscriminate and excessive cutting of trees in the township. (Ord. 89-11 § 1)

12.08.020 Definitions.

As used in this chapter, "tree" means any woody perennial plant, having a diameter greater than five inches, measured at a point four and one-half feet above the ground.

"Forestry" means the growing and harvesting of trees for commercial purposes, except as set forth in Section 12.08.030. No person shall cut or remove any tree upon any lands within the township of Bass River in the county of Burlington, unless the aforesaid accomplishes a cause in accordance with the regulations and provisions of this chapter. (Ord. 89-11 § 2)

12.08.030 Exceptions.

Excepted from this chapter shall be:

- A. Any tree located on a tract of land one acre or less in size on which a single-family dwelling has been erected;
- B. Any dead or diseased tree that is likely to endanger the public or an adjoining property owner or is to be cut for use as firewood by the owner for his or her own use;
- C. Any tree growing on property actually being used as a nursery, garden center, Christmas tree plantation or orchard;
- D. Any removal of trees directly associated with the development of the property as otherwise authorized by the zoning ordinance, Title 17, subdivision and site plan ordinance, Title 16, or

earth extraction ordinance, Chapter 15.16;

- E. Any tree growing on a public right-of-way as shown on an approved final subdivision map.
- F. Any tree cut or removed in connection with the clearing of land for agriculture purposes or for the use of landscaping;
- G. Notwithstanding these exceptions, the clearing of more than one thousand five hundred (1,500) square feet shall be subject to Chapter 17.20 of the zoning title.

(Amended during 2001 codification; Ord. 89-11 § 3)

12.08.040 When required.

A. No person or corporation shall destroy, cut or remove any tree as defined in this chapter unless he or she shall have first obtained a permit for such cutting from the township. Any person or corporation desiring to destroy, cut or remove such tree shall apply to the building inspector of the township for a permit to remove such trees. The applicant shall identify the land upon which the tree or trees are located and disclose the name and address of the owner and occupant of the property if different than the applicant and shall identify and place the location of the tree or trees sought to be cut, removed or destroyed. Written authorization from the owner and occupant of the property for submission of the application must be made a part of the application. This section shall apply to all subdivisions. No permit authorizing a forestry operation shall be issued for a period exceeding two years. Nothing in this section shall be construed to prohibit any person from securing additional permits provided that the requirements of this chapter and the Pinelands Comprehensive Management Plan are met.

B. Applicants for tree removal permits shall submit a detailed cutting plan prepared under the supervision of a state forester or other graduate forester active in the field of forest or land management or other professional person skilled and qualified in forest land management. The application for the tree removal permit shall be accompanied by the appropriate permit fee as hereinafter set forth and the following information:

1. The applicant's name, telephone number, and address and his or her interest in the subject property;
2. The owner's name and address, if different from the applicant's, proof of ownership of the property, proof of payment of current taxes on the property, and the owner's signed consent to the filing of the application;
3. The legal description, including block and lot designation and street address, if any, of the subject property;
4. A description of all existing uses of the subject property;
5. A brief written statement generally describing the proposed development;
6. A USGS Quadrangle map, or copy thereof, and a copy of the municipal tax map sheet on which the boundaries of the subject property and the Pinelands management area designation and

zoning designation are shown;

7. Block and lot numbers of adjacent property listing names and addresses of owners of record;
8. A forestry management plan, which details the management practices proposed to be employed, including but not limited to harvesting practices, reforestation and the following:
 - a. Location and size of tracts with each tract being defined based on the physical characteristics of the parcel, each tract should be as close to one hundred (100) acres as practical,
 - b. A map of the property at a scale of no less than one inch to one thousand (1,000) feet showing wetlands, types of vegetation cover, receiving waters, location of stream crossings and alternatives, location of skid trails, location of access and haul roads and landings, cutting boundaries of the tracts to be harvested and size of filter or buffer strips,
 - c. A property description including land use; acreage of open, crop and woodland; general soil types and erodibility; range of percent of slope; timber quality and age (forest type, species, age, DBH, height, volume and reproduction); and understory,
 - d. Description of timber to be harvested,
 - e. Description of regeneration plans, and
 - f. Description of intermediate management practices to be applied;
9. Name and credentials of the forester preparing the forest management plan;
10. Statement of applicant indicating disposal of branches, waste or litter;
11. A letter of comment or no comment from the New Jersey Bureau of Forest Management on the Forestry Management Plan;
12. A signed acknowledgement from both the owner and the applicant that they are responsible for any forestry practices which are contrary to any provision of this chapter or of the submitted forestry management plan done by any agent, employee, contractor, subcontractor or any other person authorized to be on the parcel by either the owner or the applicant;
13. Demonstration that the cutting boundaries and property boundaries have been adequately marked by a professional land surveyor licensed in New Jersey and that all adjacent property owners have been notified in writing of the proposed forestry operation;
14. Unless the State Bureau of Forest Management is the applicant, demonstration that for any proposed selective cut that all trees to be harvested have been marked;
15. For an operation in the Pinelands area, a certificate of filing from the Pinelands Commission

issued pursuant to N.J.A.C. 7:50--4.34 or, until January 14, 1991, evidence of prior approval from the Pinelands Development Review Board or the Pinelands Commission pursuant to the interim rules and regulations; and

16. When prior approval for an operation in the Pinelands area has been granted by the township, evidence of Pinelands Commission review pursuant to Section 12.08.090 of this chapter;
17. Proof that the taxes are paid.

C. If the applicant discloses that no more than a total of ten (10) trees as defined hereinabove are to be removed or destroyed from the lot or tract of land described in the application, then and in that event the building inspector may issue a permit for the removal of the tree or trees without further consideration.

D. In the event the applicant discloses that more than ten (10) trees as hereinabove defined are to be cut, removed or destroyed, the building inspector of the township shall review the site and consult with the environmental commission in order to determine whether the cutting, removal or destruction of such trees shall impair the drainage conditions, create soil erosion, affect fire prevention or protection, increase the dust or deteriorate the property value and shall further determine the overall effects on physical and aesthetic values of the land and safety and welfare of the public in general.
(Ord. 89-11 § 4)

12.08.050 Forestry standards.

Forestry shall be authorized throughout the township according hereto, provided:

- A. That access to land proposed for harvesting:
 1. Is direct;
 2. Follows previously established roads and trails to the maximum extent practical;
 3. Avoids wetland areas except as are absolutely necessary to harvest wetland species or to gain access to the harvesting site; and
 4. Avoids crossing streams with high and unstable banks and those with approaching slopes exceeding ten (10) percent where alternative crossings exist.
- B. That all activities during and after harvesting are carried out in a manner to avoid damage to stream banks and bottoms, erosion, and degradation of water quality, including the following:
 1. Stream banks at crossings shall be stabilized during and after harvesting;
 2. Culverts and bridges shall be temporary in nature;
 3. Trees which serve to stabilize stream banks shall be retained; other trees shall be felled to avoid stream banks where practical and winched off such banks where felling occurs;

4. A twenty-five (25) foot vegetated buffer along streams, ponds, lakes, and marshes shall be maintained;
 5. The use of active and intermittent stream channels for skidding of logs shall be prohibited;
 6. Skidding shall not occur within twenty-five (25) feet of streams, ponds, lakes, and marshes except for necessary crossings;
 7. Accessways for forestry activities shall be located at least one hundred (100) feet from streams, ponds, lake, and marshes where practical;
 8. Landings shall be located in well drained areas where practical, at least two hundred (200) feet from public roads where practical, and at least two hundred (200) feet from ponds, lakes, marshes;
 9. Filter strips shall be located between: harvested areas, landings and skid trails; and streams, ponds, lakes, and marshes;
 10. Water diversion devices shall be installed as necessary to control erosion.
- C. That only those trees which have been selected for harvesting are cut; that all trees are cut to the base; and all practical steps are taken to minimize damage to undesignated trees.
- D. That at the conclusion of any harvesting operation:
1. All areas disturbed for access, processing, moving or loading trees shall be regraded to approximate natural slopes and that water diversion devices are installed as necessary in order to avoid erosion;
 2. All accessways shall be closed and devices installed, such as poles, pilings or berms that will preclude use of the accessway;
 3. Bare ground areas shall be stabilized with vegetation where necessary;
 4. All debris shall be removed from streams;
 5. All nonvegetative refuse shall be collected; and
 6. All hanging trees shall be removed.
- E. That harvesting and reforestation activities shall ensure the regeneration of Atlantic White Cedar in harvested cedar and mixed hardwood/cedar swamps or any other native forest type in other harvested areas.

- F. That harvesting and reforestation in Atlantic White Cedar and hardwood swamps is conducted in the following manner:
1. Atlantic White Cedar will be clearcut and slash will be managed to create site conditions favorable to regeneration of Atlantic White Cedar;
 2. Reforestation to ensure Atlantic White Cedar regeneration will involve control of competitive hardwood species;
 3. Existing streams shall be cutting boundaries where practical;
 4. Harvesting methods employed shall be those which minimize environmental damage including the use of winches, corduroy roads and helicopters; and
 5. Harvesting will occur to the greatest extent practical during dry periods or when the ground is frozen.
- G. That proposed activity does not involve the draining or filling of wetlands.
- H. That the owners of all property adjoining the property proposed to be harvested are notified at least five days but no earlier than ninety (90) days prior to the harvest and are advised as to where the forestry management plan for the property may be reviewed.
- I. That all persons conducting or supervising the forestry operation or transporting harvested wood from the site have in their possession at all times during the operation the approved forestry permit and evidence that they are authorized by the applicant or his or her agent to conduct the operation.
- J. That, except for operations of the State Bureau of Forest Management on state-owned property, the boundaries of any area proposed to be clear cut be marked at regular intervals not to exceed one hundred (100) feet in length or, in the case where selected trees are to be cut, that either the trees to be cut or left standing are clearly marked at the base of each tree.

(Ord. 89-11 § 5)

12.08.060 Basis for deliberation.

As a basis for determining permitted tree removal, the building inspector shall give due consideration to the following:

- A. Clearance of trees for proposed rights-of-way shall be approved by the building inspector only for the paved portion of such rights-of-way plus fifteen (15) foot width on each side only for alignments as approved by the planning board in writing.
- B. Clearance of trees for construction of residence or other primary and accessory buildings plus a buffer area surrounding such buildings shall be approved by the building inspector only:

1. Upon receipt of final subdivision application as approved in writing by the planning board;
 2. Upon receipt of a site plan where required in writing by the planning board.
- C. Clearance of trees for proposed off-street parking facilities or outdoor storage areas shall be approved by the building inspector only for cleared locations as indicated on site plans approved in writing by the planning board.
- D. Clearance of trees for construction of septic tanks, cesspools, leaching fields, sewer plants and the like shall be approved by the building inspector only after receipt of a site plan as approved in writing by the municipal or county board of health.
- E. All permits granted for removal of trees shall be issued with due consideration to the intent and purpose of this chapter, and in conformance with the forestry standards of Section 12.08.050.
- F. Tree removal for the following purposes is prohibited:
1. Where the purpose of tree removal is to provide better visibility to expose vacant land, signs and billboards, such removal shall be prohibited;
 2. Where the existing trees form part of a planned greenbelt or buffer strip;
 3. Where trees are considered to be special by virtue of history, unusual size or the like;
 4. The removal of trees near utility substations, transmission towers, warehouses, junkyards, landfill operations and other similar uses or structures shall be prohibited except where in conflict with public safety requirements;
 5. Where there is no plan to remove debris, branches, waste or litter from the site to an appropriate depository such as a sanitary landfill.

(Ord. 89-11 § 6)

12.08.070 Issuance or denial of permit.

The building inspector and in consultation with the environmental commission shall determine whether the applicant shall be granted a permit and shall issue a free removal permit or denial in writing within thirty (30) days of the date of receipt by the building inspector of the complete application. The applicant shall have the right to appeal the aforesaid decision to the board of commissioners of the township within ten (10) days of the building inspector's decision. Such appeal shall be a written notice to appeal, the board of commissioners shall proceed to hear such appeal upon notice to the applicant within thirty (30) days after the filing of such notice of appeal. The board of commissioners may, in its discretion, vote upon complete review of the records and after hearing the testimony of the building inspector, the applicant and any witnesses, reverse, move or affirm the aforesaid decision.

(Ord. 89-11 § 7)

12.08.080 Fees.

The applicant at the time of filing the application shall file an application fee in the amount of twenty-five dollars (\$25.00) for the first ten (10) acres or less, thereof and an additional twenty dollars (\$20.00) for each ten (10) acres or part thereof up to one hundred (100) acres. An additional fee of ten dollars (\$10.00) for each ten (10) acres in excess of one hundred (100) acres shall be required. The number of acres encompassed by the application shall be determined by lot size. For example, the application pertains to tree removal for one lot, the total acreage of the lot shall determine the fee. The applicant shall be responsible to reimburse the township for the costs incurred during the review of this application. Permits shall be effective for one year. There shall be a renewal permit for an additional twenty-five dollars (\$25.00) per year.
(Ord. 89-11 § 8)

12.08.090 Pinelands review.

All permit applications for forestry operations in the Pinelands Area shall be subject to the notice requirements of Chapter 17.32 of the zoning title and shall be subject to review by the Pinelands Commission in accordance with that title.
(Ord. 89-11 § 9)

12.08.100 Operation conditions.

A. The building inspector may impose such reasonable conditions in granting the permit as may be in the best interests of the public, the conditions based upon the prevention and protection, conservation and ecological considerations, and site rehabilitation.

B. The applicant shall also post a financial surety, guaranteeing performance of the requirements of Section 12.08.050 in the form of guaranty, letter of credit or other recognized form of financial surety of the type and of the amount as required in the township subdivision and site plan ordinance. Such financial surety (bond) shall be approved as to form and surety by the planning board attorney and in such amount as in the opinion of the township engineer shall be sufficient to insure the faithful performance of the work and matters required of the applicant pursuant to the provisions of this chapter.

C. The financial surety (cash deposit) shall be equal to the greater of five hundred dollars (\$500.00) or ten (10) percent of the value of the wood to be harvested during the two-year duration of any approval which is granted. In the Pinelands area, the surety shall name the Pinelands Commission and the township as obligees.
(Ord. 89-11 § 10)

12.08.110 Permits--Revoked.

In the event of a failure to conform with the terms and conditions of this chapter as well as the terms and conditions of the permit, the permit shall be revoked by the building inspector. Permits issued shall be valid only so long as the cutting operation conforms to the plan and any supplemental conditions that are posed.
(Ord. 89-11 § 11)

12.08.120 Penalties.

Any person violating or contributing in any way to the violation of this chapter or any part thereof shall upon conviction by the municipal court or other court of competent jurisdiction be punished by a fine of not more than two thousand dollars (\$2,000.00) or imprisonment for not more than ninety (90) days, or both, and every day that the chapter is violated shall constitute a separate offense.
(Ord. 2006-06 § 1 (part); Ord. 89-11 § 12)

Chapter 12.10

EXCAVATIONS

Sections:

- 12.10.010 Permit required.**
- 12.10.020 Contents of permit filing.**
- 12.10.030 Fees.**
- 12.10.040 Bonds.**
- 12.10.050 Rules and regulations.**
- 12.10.060 Restoration of surface by permittee.**
- 12.10.070 Modification of permit conditions.**
- 12.10.080 Traffic control.**

12.10.010 Permit required.

No person shall make any opening or excavation in any street or right-of-way under the jurisdiction of the township without having obtained a permit to do so in the manner provided in this chapter.
(Ord. No. 2009-05, 12-21-09)

12.10.020 Contents of permit--Filing.

Each permit shall state the identity and address of the applicant, the name of the street and the location where the opening is to be made, the dimensions of the opening and the period during which the permit shall be valid. The original of each permit shall remain on file with the municipal clerk.
(Ord. No. 2009-05, 12-21-09)

12.10.030 Fees.

Fees shall be paid when the application is made. The applicant shall be charged an application fee of seventy-five dollars (\$75.00) for each permit.
(Ord. No. 2009-05, 12-21-09)

12.10.40 Bonds.

No permit shall be issued until the applicant shall have filed a bond in the amount determined by the municipal engineer to be sufficient in accordance with the conditions of subsection C. below. The bond shall be executed by the applicant as principal and a surety, and shall be upon the following conditions:

- A. To indemnify and hold harmless the township from all loss, damage, claim or expense, including expenses incurred in the defense of any litigation arising out of injury to any person or property resulting from any work done by the applicant under the permit.

- B. The bond shall also be conditioned upon the applicant's restoring the surface and foundation of the street for which the permit is granted in [a] manner acceptable to the township engineer and shall remain in force for one year from the date that the township engineer approves the work as properly completed. One bond may be accepted to cover a number of excavations by the same applicant. In the event that the applicant exhibits satisfactory proof that he or she is insured against any of the occurrences specified in this subsection, then the existence of such insurance coverage shall be taken into consideration in determining the amount of the bond.
- C. Bond amount shall be calculated by the township engineer with a minimum amount of five hundred dollars (\$500.00) for each opening. The first five hundred dollars (\$500.00) of each bond amount shall be posted in cash with the township.

(Ord. No. 2009-05, 12-21-09)

12.10.50 Rules and regulations.

A. All excavation shall be completely backfilled by the permittee and as much as possible of the material excavated shall be replaced. Such material shall be compacted by tamping or other suitable means in a manner prescribed by the township engineer. Where the township engineer determines that the excavated material is unsuitable for backfill, the permittee shall backfill the excavation with 3/4" stone which shall be placed in eight inch compacted layers or other approved structural backfill if a compaction report is provided by a licensed engineer certifying a minimum compaction rate of 95 percent Proctor test.

B. Upon completion of the work, the permittee shall remove any excess material and leave the premises in a clean condition. If the township engineer determines that any backfilled excavation has settled or caved, he or she shall so notify the permittee, who shall promptly continue backfilling until the township engineer determines that settlement is complete.

C. If tunneling operations are required, the tunnel shall be backfilled with rammed concrete. Such concrete shall be composed of one part cement to six parts of coarse aggregate material.

D. If any work is not completed within the time specified in the permit or any extension thereof, or is not performed in accordance with the foregoing regulations and such other regulations as may from time to time be promulgated by the board of commissioners' resolution, then the township may complete the work in a proper manner and restore the surface of the street. The cost of doing so shall be charged to the permittee and may be recovered by an action in any court of competent jurisdiction.

(Ord. No. 2009-05, 12-21-09)

12.10.60 Restoration of surface by permittee.

In all cases, the permittee is to restore the surface of the street, and the following rules, regulations and requirements shall apply: No permittee shall commence restoration of any street foundation or surface until the township engineer has deemed that the settlement of the subsurface is complete and the area properly prepared for restoration.

(Ord. No. 2009-05, 12-21-09)

12.10.70 Modification of permit conditions.

In any special case, the township commissioners may, by resolution, impose special conditions to which the issuance of the permit will be subject, or the township commissioners may decide by resolution that any provision of this chapter shall not apply or shall be altered.

(Ord. No. 2009-05, 12-21-09)

12.10.80 Traffic control.

All work shall be done in a manner as to cause a minimum of interference with travel on the street or streets affected. The applicant shall provide traffic control, the extent of which shall be determined exclusively by the township engineer. No street shall be closed to traffic unless approval has been granted by the township.

(Ord. No. 2009-05, 12-21-09)