



DID YOU KNOW THAT MANTUA TOWNSHIP HAS A TREE PROTECTION ORDINANCE?

The tree Protection Ordinance (Mantua Twp. Administrative Code, Chapter 140) is intended to help control problems of flooding, erosion, and pollution, to provide wildlife habitat, protection for streams, to promote quality development of the township, and to make Mantua a healthier and more desirable place to live. The Ordinance has no intention to cause hardship or prevent careful and reasonable removal of trees necessary for building, forestry management, or other purposes.

YOU MUST FILE AN APPLICATION:

- If you are removing more than 5 trees between 6" and 16" in diameter, or 1 tree between 16" and 30" in diameter from a lot that is more than 3 acres in size.
- If you are removing 1 or more trees, 6" in diameter or larger, within a critical area, regardless of lot size. A critical area is defined as; wetlands and buffer, or within a 100-year flood plain, or within 300 feet of a stream.
- If there is a preliminary MAJOR sub-division or site application, involving the removal of more than 5 trees between 6" and 16" or 1 tree between 16" and 30" or 1 or more trees in a critical area.

YOU DO NOT NEED TO FILE AN APPLICATION:

- If your lot size is 3 acres or less, unless removing trees in critical areas as defined above.
- If you are removing dead or diseased trees, immediate safety hazards, cultivated trees in nurseries, orchards, or Christmas tree farms.
- You have an approved farm conservation plan. (You must file a copy with the Environmental Commission.)

SPECIAL NOTE: Trees over 31" in diameter are called "Landmark" trees. These trees must not be cut down under any circumstance other than death, disease, or for immediate safety hazards.

CUTTING DOWN TREES IN MANTUA IS A VIOLATION. IF YOU DO NOT FILE AN APPLICATION ACCORDING TO THE TREE PROTECTION ORDINANCE!

The MANTUA TOWNSHIP ENVIRONMENTAL COMMISSION welcomes you to our community. If you have any questions or concerns regarding the Tree Protection Ordinance, or other environmental issues, please feel free to contact us at 468-1500.

MANTUA TOWNSHIP TREE REMOVAL APPLICATION

Date Received _____

APPLICATION INFORMATION

Block _____ Lot _____
Size of lot _____ x _____
or acreage _____

Street location of property/landmarks _____

Applicant's Name _____

Address _____

Phone _____ Best time to call _____

Lot Owner (if different)
Name _____

Address _____

Phone _____ Best time to call _____

ON A SKETCH OR PLOT PLAN, PLEASE SHOW THE FOLLOWING:
For Major Sub-Division or Site Plan applicant should consult
Tree Protection Ordinance for specific elements required in
drawing.

INDIVIDUAL HOMEOWNERS MAY PROVIDE A HAND DRAWN SKETCH

- a. Applicant's name/address/phone number
- b. Owner's name (if different)/address/phone number
- c. Block and lot number/lot dimensions or acreage
- d. Location of all existing or proposed buildings, driveways, septic fields,, easements, underground utility lines, and other improvements (swimming pools etc., if relevant to tree removal)
- e. Existing or proposed rights of way (if relevant)
- f. Location of existing tree masses on lot
- g. Location of all proposed trees having a diameter of six (6) inches or greater to be cut, removed, or irreparably damaged, noting each tree by its species, size and general health condition.
- h. Signature/date of applicant and owner.

Is this application submitted in conjunction with a forestry management plan prepared by a professional forester for the purpose of silviculture/timber harvesting? _____

If yes, please attach forestry management plan.

Name of forester _____ Phone _____

DESCRIPTION OF INTENDED TREE REMOVAL

Total number of trees (6" to less than 30" in diameter) to be removed _____

Are any landmark trees (30" or larger diameter) affected by this removal? _____ If yes, please explain: _____

Will any tree removal activities occur within 300' of a stream, or within a 100 year flood plain or wetland? _____ If yes, show stream on sketch. What is the number/type/size of trees proposed for removal? _____

Reason for tree removal, including type of removal (eg, thinning, clearcut, aesthetic improvement, etc.) _____

How will trees be removed? _____

How will remaining trees be protected during removal operation? _____

Other comments or explanatory remarks _____

I hereby give my consent to the tree removal activities described in this application. I give my consent to a site visit conducted by a duly appointed representative of the township for the purpose of evaluating this application.

Lot Owner's Signature _____

Date _____

Chapter 387

TREES

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[HISTORY: Adopted by the Township Committee of the Township of Mantua 5-9-1989; amended in its entirety 3-1-1993 (Ch. 140 of the 1978 Code). Amendments noted where applicable.]

§ 387-1. Title.

This chapter shall be known as the "Mantua Township Tree Protection Ordinance."

§ 387-2. Purpose.

The purpose of this chapter is to establish protective regulations for trees within the Township of Mantua in order to control problems of flooding, soil erosion, air and noise pollution; to protect the safety, welfare and health of the citizenry of the township; to promote quality development in the township, and to make Mantua township a healthier and safer place in which to live.

§ 387-3. Intent.

The intent of this chapter is to encourage the protection of every landmark tree within the township and, to the greatest extent practicable, of each specimen tree, regardless of location, and the maximum number of healthy trees within a tree protection zone or within a critical area. The intent is not punitive nor intended to cause hardship to any individual, private or public company who or which has taken reasonable care and diligence to protect the trees within the Township of Mantua.

§ 387-4. Definitions.

As used herein, the following terms shall have the meanings indicated:

AESTHETIC IMPROVEMENT CUT — The removal, to the minimum extent possible, of the smallest and poorest trees so as to permit land development while retaining the maximum number of larger and healthier trees.

CLEAR-CUTTING — The removal of all standing trees on a lot or portion of a lot.

CRITICAL AREA — Areas which are located within 300 feet of both edges of a stream; areas within the one-hundred-year floodplain as defined by the Federal Emergency Management Agency (FEMA); and areas defined as wetlands and their respective transition buffers by the New Jersey Department of Environmental Protection. The township's environmental mappings may be used to generally locate such critical areas.

CROWN — The branches and foliage of a tree; the upper portion of a tree.

DISTURBANCE ZONE — That portion of a lot covered by existing or proposed buildings, structures or improvements and within a certain distance around the same as noted below:

- A. House or building: 12 feet (averaged around all sides).
- B. Garage: eight feet.
- C. Pool/apron: 12 feet.
- D. Driveway/sidewalk: five feet.
- E. Septic fields: 10 feet.
- F. Underground utility: five feet.
- G. Paved parking/drive aisle: five feet.
- H. Shed: five feet.
- I. Improvement (other): five feet.

DRIPLINE — The perimeter line on the ground measured from the outermost edge of the vertical plane established by the branches of the tree.

FORESTER, PROFESSIONAL — A person who has a B.S. degree from a four-year school of forestry accredited by the Society of American Foresters.

LANDMARK TREE — Any tree with a diameter of 30 inches or greater.

LANDSCAPE ARCHITECT — A person certified as a landscape architect by the State of New Jersey.

LANDSCAPER — An individual who has been gainfully employed for a period of at least five years in a position involving the care and planting of trees.

MANTUA TOWNSHIP TREE TRUST FUND — A monetary fund established for the purpose of receiving cash contributions in lieu of tree replacement. This fund shall be separately maintained by the Township for the purpose of re-establishing and maintaining tree cover through the Township, or for other purposes as determined by the Township Committee.

not inconsistent with the purposes of this Article. [Added 2-27-2007 by Ord. No. O-02-2007]

NONSPECIMEN TREE — Any tree with a diameter less than 16 inches, but at least six inches.

PERMIT — Any permit in writing as issued by a township official.

PERSON — Any individual, person, association, company, corporation or similar group.

SELECTIVE CUTTING — The removal of larger trees on an individual basis while leaving trees of a lesser size.

SPECIMEN TREE — Any tree with a diameter of at least 16 inches, but less than 30 inches.

THINNING — The removal of undesirable, competitive, diseased or damaged trees so as to cultivate and improve the development of remaining trees on the lot.

TOWNSHIP — The Township of Mantua or any designated representative.

TREE — Any woody perennial plant usually having but one main stem or trunk and a more or less definitely formed crown, and which has the potential based on its genus and species to grow to a height of 10 feet or more.

TREE PROTECTION ZONE — That portion of a lot outside of the disturbance zone.

TREE REMOVAL — The cutting down of a tree, the transplanting of a tree to a site other than that under development or the infliction of damage to a tree which is of such severity as to show evidence within a period of two years of irreparable harm leading to the ultimate death of a tree. Examples of said serious damage include, but are not limited to: damage inflicted to the root system by machinery, storage of materials, and soil compaction; changing the natural grade above or below the root system and around the trunk; damage inflicted on the tree permitting fungus infection or pest infestation; excessive pruning; excessive thinning; paving with concrete, asphalt or other impervious material within such proximity as to be harmful to the tree.

TREE ROOT AREA — The area under a tree extending from the trunk to the dripline.

§ 387-5. Applicability; standards; certifications of prior use.

- A. With the exceptions as set forth in this chapter, no person shall cut or remove, or cause to be cut or removed, any tree with a diameter of six inches or greater upon any lands in the township unless the cutting or removal is accomplished in accordance with the provisions of this chapter. In no case shall a landmark tree be cut or removed, or caused to be cut or removed, from any location within the township.
- B. Tree removal permit; tree protection management plan.
 - (1) A tree removal permit application must be submitted if there are five or more total nonspecimen trees, or one or more total nonspecimen trees within a critical area, or one or more total specimen trees, cut or removed or proposed to be cut or removed.

- (2) At the time of a preliminary major subdivision or site plan application submitted pursuant to Chapter 101, if there are five or more total nonspecimen trees, or one or more total nonspecimen trees within a critical area, or one or more total specimen trees cut or removed or to be cut or removed from a property, then a tree protection management plan must be submitted.

C. The provisions of this chapter shall be applicable to all property owners in the township or their designees, with the following exceptions:

- (1) Individual lot owners removing fewer than five total nonspecimen trees outside of critical areas.
- (2) Lot owners with an existing residential dwelling or proposed residential dwelling on an individual lot three acres or less in area, unless trees with a caliper of six inches or greater are proposed to be removed within a critical area as defined by this chapter.
- (3) Any cultivated tree growing on property actually being used as a nursery, orchard or Christmas tree farm.
- (4) Any tree cut or removed for agricultural use of lands when operated in accordance with a farm conservation plan approved by the local Soil Conservation Service District, provided that a copy of such plan is filed with the Environmental Commission of Mantua.
- (5) Any tree which, in the opinion of the township, constitutes an immediate threat to the health or safety of the general public.
- (6) Any tree that is dead or diseased.
- (7) Pruning and removal of trees by utility companies to provide for line clearance of utility wires.

D. The standards contained herein shall be considered the minimum standards to be met and maintained. Standards established by other township ordinances or by state and federal rules and regulations shall apply where those standards are more restrictive than the standards set forth herein.

E. Plans for the harvesting of timber and or silviculture shall be in accordance with the standards and recommendations of the New Jersey State Bureau of Forestry. A copy of such plan must be filed with the Environmental Commission of Mantua at least 15 days prior to the harvesting of timber and/or silviculture.

F. Any person claiming that he has conducted harvesting of timber in accordance with the standards and recommendations of the New Jersey State Bureau of Forestry prior to March 9, 1993, shall, within 60 days after the final adoption of this chapter, make application to the Planning Board for a certificate of prior use. The applicant shall provide the Planning Board with a copy of an approved forestry management plan by the New Jersey State Bureau of Forestry. If deemed acceptable, the Planning Board shall issue a certificate of prior use relieving the applicant of an obligation to secure a tree removal permit for continued operations of said timber harvesting. Failure of the

Planning Board to act within 90 days shall be deemed to be an approval of the request for a certificate of prior use. Any person who does not file for such a certificate within 60 days of March 9, 1993, shall conclusively be presumed to be bound by the terms of this chapter.

§ 387-6. Tree removal permit application.

An application for a tree removal permit requires the submission of a plot plan or sketch indicating:

- A. The applicant's name, street address and telephone number.
- B. The lot owner's name, street address and telephone number.
- C. The lot owner's consent to the application.
- D. The block and lot number.
- E. The location of all existing or proposed buildings, driveways, septic fields, easements, underground utility lines and other improvements.
- F. Existing or proposed rights-of-way.
- G. The location of all proposed trees having a diameter of six inches or greater to be cut, removed or damaged in such a way as to cause a need for their removal, noting each tree by its species, size and general health condition. Individual trees that occur within critical areas as defined by this chapter may be shown as tree masses. However, individual trees must be shown in the critical areas where the proposed disturbance area overlaps a critical area.
- H. The reasons for tree removal, including a description of the type of tree removal; thinning, selective cutting, clear cutting, aesthetic improvement cut.
- I. Specifications for the removal of existing trees and for the protection of existing trees to be preserved.
- J. Tree removal and replacement calculations, including specific proposals for planting replacement trees, if applicable. [Added 2-27-2007 by Ord. No. O-02-2007]

§ 387-7. Tree protection management plan.

If required by this chapter, the submission of a tree protection management plan should indicate the following information on a plot plan:

- A. All of the information required under the application for a tree removal permit as noted in § 140-6.
- B. Existing topography within 20 feet of the proposed disturbed area and proposed grading, if any;
- C. The location of existing watercourses, wetlands and floodplains.

§ 387-8. Review of applications.

- A. All applications for a tree removal permit or a tree protection management plan shall be immediately referred by the Administrative Officer to the Environmental Commission (and Planning Board or Zoning Board if a site plan or subdivision application is involved.)
- (1) If the application for a tree removal permit or a tree protection management plan is not part of a site plan or subdivision application, the Environmental Commission shall review the tree removal permit or a tree protection management plan application. Failure on the part of the Environmental Commission to provide a recommendation to the Administrative Officer to either approve or deny the application within 20 days, provided that the Environmental Commission receives the application at least 10 days in advance of its regularly scheduled meeting, shall be deemed a recommendation for approval of the application. In the event that the Environmental Commission recommends to deny an application, it shall specify, in writing, the reason(s) for its actions. The Administrative Officer shall review and consider the recommendations of the Environmental Commission, and the Commission's recommendations shall be made a part of the record. The Administrative Officer shall have the authority to approve or to deny the tree removal permit or the tree protection management plan within 15 days of receiving the Environmental Commission's recommendation.
 - (2) If the application for a tree removal permit or a tree protection management plan is part of a site plan or subdivision application, the Environmental Commission shall provide a recommendation of approval or denial of the tree removal permit or the tree protection management plan application to the Planning Board (or Zoning Board). Failure on the part of the Environmental Commission to provide a recommendation within 20 days, provided that the Environmental Commission receives the application at least 10 days in advance of its regularly scheduled meeting, shall be deemed a recommendation for approval. In the event that the Environmental Commission recommends denial of an application, it shall specify, in writing, the reason(s) for its action. The Planning Board (or Zoning Board) shall review and consider the recommendations of the Environmental Commission, and the recommendations shall be made a part of the record before the Board. The Planning Board (or Zoning Board) shall have the authority to accept, modify, or reject the recommendations of the Environmental Commission in whole, or in part, after the Board's consideration of same. The Planning Board (or Zoning Board) shall then approve a tree removal permit or a tree protection management plan, as part of the subdivision and/or site plan review process with any revisions, modifications, changes or conditions, as it may require. The Planning Board (or Zoning Board) shall have the authority to waive in whole, or in part, any portion or all of the provisions of this Article as part of the subdivision and/or site plan review process. [Amended 2-27-2007 by Ord. No. O-02-2007]
- B. The Administrative Officer (or Planning Board or Zoning Board) shall review the application for a tree removal permit or a tree protection management plan and, if necessary, have the Township Planner, Engineer, Professional Forester and/or some other consultant, as may be required, review the application and inspect the site. All reviews

and inspections by the Township Planner, Engineer, Professional Forester and/or other consultants shall be paid for by the applicant through the deposit of escrow funds.

- C. The Administrative Officer (or Planning Board or Zoning Board or Environmental Commission) shall consider the following factors in reviewing an application for a tree removal permit or tree protection management plan and in deciding whether to either recommend approval or denial, or to approve or deny a tree removal permit (or the tree protection management plan):
- (1) Impact on the growth of remaining trees.
 - (2) Impact on existing drainage patterns.
 - (3) Impact on soil erosion or increased dust.
 - (4) Impact on the vegetative screening between adjacent land uses.
 - (5) Impact on a tree or scenic corridor given a landmark value.
 - (6) Impact on woodland corridors, stream corridors, greenways and wildlife habitat.
- D. There is hereby established a presumption that each and every tree of six inches of diameter or greater located within the tree protection zone or any specimen tree located anywhere on the lot shall be preserved at its location on the site. Each such tree located within the tree protection zone or each specimen tree may be removed only if the Administrative Officer (or Planning Board/Zoning Board) finds that the applicant has set forth below:
- (1) That it is a necessity to remove trees which pose a safety hazard to pedestrian or vehicular traffic or threaten to cause disruption of public services.
 - (2) That it is a necessity to remove trees which pose a safety hazard to a building.
 - (3) That it is a necessity to remove diseased trees, trees infested with destructive insects liable to infect healthy trees on the subject or adjacent property or trees weakened by age, fire or other injury.
 - (4) That it is a necessity to observe good forestry practices, i.e., the number of healthy trees that a given parcel of land will support when documented by a report prepared on behalf of the applicant by a professional forester or a certified landscape architect.
 - (5) That it is a necessity for compliance with other codes, such as zoning and subdivision regulations, health and other environmental ordinances.
 - (6) Other conditions which, in the judgment of the Administrative Officer (or Planning Board/Zoning Board), warrant the removal of a tree.
- E. No building permit shall be issued until the applicant has obtained approval of its tree removal permit or tree protection management plan application.
- F. No Certificate of Occupancy shall be issued unless tree removal and planting has been in accordance with the approved plan, and all trees required to be planted have been planted

in accordance with the approved plan, or a bond guarantying planting has been posted, or the approved contribution in lieu thereof is paid in full. [Added 2-27-2007 by Ord. No. O-02-2007]

§ 387-9. Planting of trees.

A. Replacement of trees.

- (1) Where the Administrative Officer or the Planning Board or Zoning Board, whichever has jurisdiction, determines that it is impossible to retain trees in the tree protection zone, or any specimen tree as defined by this chapter, due to cutting, filling or other construction activity, the applicant shall replant one inch of a new tree diameter for every four inches of existing tree diameter removed. Replacement trees should be shown on the tree removal permit application or tree management plan for review. New replacement trees should have the minimum diameter of 2 1/2 inches measured six inches above the ground. Replanting should be done according to the standards specified by the American Nurserymen's Association. Cash contributions to the Mantua Township Tree Trust Fund may be substituted in lieu of on-site tree replacement in accordance with Subsection C of this section. The Township Environmental Commission may be consulted before any replacement trees are planted. [Amended 2-27-2007 by Ord. No. O-02-2007]
- (2) Where it has been determined by the Administrative Officer that a landmark tree has been cut or removed, the person responsible shall be fined no more than \$1,000 and shall be required to replant one inch of new tree diameter for every one inch of the landmark tree diameter cut or removed. New replacement trees should have a minimum diameter of eight inches measured six inches above the ground. Replanting should be done according to the standards specified by the American Nurserymen's Association.

B. Criteria for the selection of new trees. When an applicant is required to replace trees as described above, the applicant should replace the trees with the same species that were removed or, with the approval of the Administrative Officer (or the Planning Board/Zoning Board), choose other tree species, preferably native to Mantua Township. In selecting replacement trees, the following positive criteria should be used. These guidelines should also be followed in choosing trees proposed to be retained or cleared.

- (1) Species longevity;
- (2) Whether native to the area;
- (3) Hardiness (wind firmness, climate requirements, characteristics of soil to hold tree),
- (4) Resistance to insect and disease, attack and to pollution;
- (5) Aesthetic values (autumn coloration, type of flowers or fruit, form characteristics);
- (6) Low maintenance and care (pruning, etc.);

- (7) High wildlife values;
 - (8) Comfort to surroundings;
 - (9) Freedom from disease, rot or other damage to tree;
 - (10) Protection of pedestrians, vehicles and buildings;
 - (11) Size at maturity;
 - (12) Effect of soil retention and erosion control; and
 - (13) Value as a noise buffer.
- C. Cash contribution. A cash contribution to the Mantua Township Tree Trust Fund may be permitted. Upon review by the Environmental Commission, pursuant to § 140-8A(2) above, the Planning Board (or Zoning Board) shall recommend and approve or disapprove the cash contribution. If approved, it shall become a condition of approval of the applicant subject to final approval by the Township Committee. Cash contributions shall include cost per tree as determined by the Township Engineer to be the current bonding costs, as well as the cost for the delivery, installation, fertilizer, watering and two-year guarantee. [Added 2-27-2007 by Ord. No. O-02-2007]
- D. Preference regarding tree replacement/cash contribution. The Planning Board (or Zoning Board), and Township Committee, when considering the replacement of trees, or acceptance of cash contribution, will consider the following as the order of preference: [Added 2-27-2007 by Ord. No. O-02-2007]
- (1) On-site replacement;
 - (2) Off-site replacement;
 - (3) Contribution to the Mantua Township Tree Trust Fund.

§ 387-10. Protection of existing trees.

Applicants should exercise due care to protect trees to be retained from damage during construction. The following procedures shall be observed in order to protect retained trees:

- A. Protection from mechanical injury.
- (1) Prior to any grubbing or clearing, all trees to be retained within 25 feet of a building and all other improvements should be protected from equipment damage by enclosing the driplines of the trees with sections of snow fence or boards, wired together. All exposed roots and low-hanging branches should be equally protected. Groups of trees may be protected by fencing the driplines of the entire tree mass to be retained.
 - (2) Heavy equipment operators should not damage existing tree trunks and roots. Feeder roots should not be cut closer than the distance of the dripline from the tree trunks and should be cut with pruning shears or other tools which will make a clean cut.

- (3) Tree trunks and exposed roots accidentally damaged during construction should be protected from further damage. Damaged branches should be sawed off at the branch collar. No shellac or pruning paint should be used. When the portion of the tree to be removed is diseased, the pruning equipment should be dipped in alcohol or disinfectant prior to use on another tree to prevent the spread of the disease.
 - (4) Deciduous trees should be given an application of liquid slow-release, low-nitrogen, all-purpose fertilizer to aid in their recovery from possible damage caused by construction operations. Such application should be made at a distance of one foot from the trunk to the dripline and should be made as soon as construction is completed and again one year after the first application has been made.
 - (5) Trees should not be used for roping, cables, signs or fencing. Nails and spikes should not be driven into trees.
 - (6) The area around the base of existing trees should be left open to provide access for water and nutrients. Therefore, no impervious cover nor storage of equipment, materials, debris or fill should be allowed within the dripline of any existing tree to be retained.
- B. Protection from grade change.
- (1) If an increase of the grade is proposed, the applicant should install either:
 - (a) A system of gravel and drain tiles at the old soil level opening into a dry well built around the trunk and designed for each tree, individually fitting the contour of the land so that it drains water away from the tree trunk; or
 - (b) A retaining wall between the existing grade and the higher grade. A detailed plan for each proposed retaining wall should be provided.
 - (2) If a decrease of the grade is proposed, the applicant should initiate one of the following methods to protect the trees:
 - (a) Terracing the grade at the dripline and out from the tree.
 - (b) A retaining wall between the existing grade and the lower grade. A detailed plan for each proposed retaining wall should be provided.
- C. Protection from excavation. When digging trenches for utility lines and other similar uses, the applicant should adhere to the following, listed in order of preference:
- (1) If possible, trenches should bypass the root area.
 - (2) If it is impossible for the trenches to bypass the root area, trenches should be tunneled under the trees.
 - (3) If trenches must be dug along the side of a tree, the following precautions should be observed.

- (a) Trenches should be no closer to the trunk than half the distance from the dripline.
- (b) As few roots as possible should be cut.
- (c) If roots are cut, they should be cut as cleanly as possible.
- (d) The trench should be backfilled as soon as possible, avoiding soil compaction.

D. Protection during construction cleanup.

- (1) All construction debris should be hauled away. No such debris should be burned or buried.
- (2) Fences and barriers around trees should be the last thing to be removed from the site, prior to the installation of additional landscaping or building occupancy.

§ 387-11. Appeals.

- A. An appeal from a decision of the Administrative Officer should be brought before the Township Committee, which may affirm, modify or reverse the decision.
- B. An appeal from a decision of the Planning Board or Zoning Board should be brought before the Township Committee, which may affirm, modify or reverse the decision.

§ 387-12. Violations and penalties.

- A. Violations. Any person, firm or corporation that shall violate any provision of this chapter shall be subject to some portion or all of one or more of the following: a penalty of \$1,000 or imprisonment for a term not exceeding 90 days or community service up to but no greater than 90 days, or a combination of any of the above.
- B. Continuing violations. If the violation is continuing in nature, each day during which it continues shall constitute an additional, separate and distinct offense.
- C. Other remedies. No provisions of this chapter shall be construed to impair any common law or statutory course for action or legal remedy which may be otherwise provided in law or equity for any violation of this chapter.

§ 387-13. Fees. [Added 2-27-2007 by Ord. No. O-02-2007]

For the issuance of a permit, the applicant shall pay to the Township the fees, based on the total number of trees to be removed. Fees are set forth, as follows:

1-5	\$0
6-10	\$100
11-20	\$250
21-50	\$500

51-150	\$1,500
151 and over	\$1,500 + \$250 for each additional 100 trees or part thereof

§ 387-14. Fund expenditures. [Added 2-27-2007 by Ord. No. O-02-2007]

- A. Expenditures from Mantua Township Tree Trust Fund. The Township Committee shall determine the appropriate expenditure of funds accumulated in the Mantua Township Tree Trust Fund. The expenditure of funds shall be in accordance with the purposes and intent of this Article as expressed. The Township Committee may consult with the Township Environmental Commission, or any environmental professional, in order to aid the process of determining the appropriate expenditure of the fund.
- B. Emergency expenditures from Mantua Township Tree Trust Fund. The Township Committee may, based upon an emergent event, authorize expenditures from the Tree Trust Fund in the case of trees which are either damaged or downed, on Township property, due to storm, wind or other act of nature. The emergency expenditure of such funds will be for the removal and disposal of downed trees, the appropriate repair of trees which can be salvaged by an arborist and the replanting of replacement trees if determined to be cost-effective to do so immediately, with consideration being given to whether or not it is planting season. An accounting of the emergency funds expended will be provided.

MANUSCRIPT