

**BOROUGH OF DUNELLEN  
ORDINANCE 2012-02**

**AN ORDINANCE AMENDING SECTION 275-14 OF THE TREE ORDINANCE, CODE  
OF THE BOROUGH OF DUNELLEN, SETTING FORTH THE PROCEDURE  
WHEREBY REPLANTING FEES ARE DETERMINED WHEN REMOVAL OF A TREE  
IS DONE WITH THE APPROVAL OF THE SHADE TREE COMMISSION OR AS  
PART OF NEW DEVELOPMENT, CONSTRUCTION OR SUBDIVISION**

BE IT ORDAINED by the Mayor and Council of the Borough of Dunellen, in the County of Middlesex and the State of New Jersey, as follows, that Dunellen Code, Section 275-14, be amended as follows:

1. There will be a replanting fee, payable to the Borough of Dunellen, for each tree that is removed from the borough right of way under this ordinance. This fee will be used for replanting trees. The fee schedule is as follows:
  - a. The fee for removing any tree 4" or greater, but less than 12", shall be \$300.00 per tree.
  - b. The fee for removing any tree 12" or greater, shall be \$600.00 per tree.
2. For purposes of tree measurement to be utilized under this chapter, tree caliper shall be measured at breast height as defined in Section 275-3. In the event the tree is removed prior to measurement, tree caliper shall be measured at the stump. In the event the tree stump is removed prior to measurement, tree caliper shall be in accordance with the tree inventory, as then maintained by the Borough or the Shade Tree Commission. In the event no tree inventory exists for the removed tree, then the fee shall be fixed at \$300.00 per tree removed.
3. Where consistent with the context in which used in this ordinance, words importing the singular shall include the plural; words importing the plural shall include the singular; and, words importing one gender shall include all genders.
4. Should any provisions of this ordinance be inconsistent with the provisions of any prior ordinances, the inconsistent provisions of such prior ordinances are hereby repealed, but only to the extent of the inconsistencies.
5. In the event that any provision of this ordinance, or the application thereof to any person or circumstance is declared invalid by a court of competent jurisdiction, such declaration of invalidity shall not affect any other provision or application of this ordinance which may be given effect, and, to realize this intent, the provisions and applications of this ordinance are declared to be severable.
6. This ordinance shall be effective immediately upon final adoption, approval and publication in accordance with law.