

FREQUENTLY ASKED QUESTIONS

The Borough of Leonia City Council and Mayor has approved an amended Chapter 275 “Trees” of the Code of the Borough of Leonia (“New Chapter 275”) which will replace the existing Chapter 275 “Trees” effective on April 1, 2020. Until April 1, 2020, the provisions of the existing Chapter 275 will apply. You may find the New Chapter 275 on the Borough website (<https://leonianj.gov>).

Trees are a vital asset to our urban community. Trees clean the air we breathe, reduce flooding and soil erosion, provide homes to wildlife as well as add beauty to our community. Trees also have direct economic benefits from savings in energy costs as well as increasing property values. Larger trees offer all these benefits on a larger scale. Recognizing the importance of maintaining this vital asset, the Borough will require starting on April 1, 2020 a permit and payment of Tree Replacement Fee for trees on private property that have a Diameter at Breast Height (“DBH”) of 8 inches or greater with certain exceptions.

Frequently Asked Questions:

Question #1: Can I cut down or prune a tree that is within the Borough right-of-way?

Answer: No. If the Borough tree needs pruning, appears dead or diseased, the homeowner should submit a request for evaluation as a “Tree Issue” on the Leonia Borough website (Leonianj.gov). This will trigger an evaluation by a Shade Tree Commissioner. The work will be performed, if needed, by the Leonia Department of Public Works. If the tree is in imminent danger of causing damage or injury to persons or property, the homeowner should notify the Leonia Police Department (201-944-0800).

Question #2: What is considered the Borough right-of-way?

Answer: Borough right-of-way is:

- (i) Land owned by the Borough of Leonia, its Recreation Commission or any other Borough of Leonia Municipal building;
- (ii) Any public street within the jurisdiction of the Borough of Leonia;
- (iii) Parks, parkways, county roads, state highways within the Borough of Leonia;
- (iv) Right-of-ways of Borough of Leonia; and
- (v) Alleys, squares and public grounds of the Borough of Leonia.

The Borough right-of-way for each street is indicated on the Leonia Tax Map. The widths of the Borough right-of-way vary from street to street. The Borough right-of-way on each street includes the area between the curb and sidewalk but on many streets also extends past the other side of the sidewalk. If any part of the root collar of a tree touches or extends onto the Borough right-of-way, the tree is deemed a Borough tree.

If you are not certain whether a tree is on the Borough right-of-way, you should inquire by submitting a request as a “Tree Issue” on the Leonia Borough website (Leonianj.gov).

Question #3: Can I cut down a healthy tree on my private property as long as it is not within the Borough right-of-way?

Answer: Yes, but if the tree has a diameter at breast height (“DBH”) of at least 8” inches (see Question #7 for how to measure DBH) **then you must** obtain a Tree Removal Permit from the Borough Building Department at Borough Hall. The application for a Tree Removal Permit can be found at the Borough Hall or on-line at (LeoniaNJ.gov/STC page). At the time of filing the application, the homeowner will be required to pay a filing fee of \$20.00 per tree to be removed in addition to the Tree Replacement Fee of \$350.00 per tree to be removed. The Tree Removal Permit must be applied for and approved before the work is performed. Prior to the issuance of a Tree Removal Permit, you are required to meet within 30 days of the application with a member of the Shade Tree Commission or its designee.

If the trunk of the tree proposed for removal is within 5 feet of the property line, you must notify the owner of the adjacent property in writing by personal service or certified mail no less than 5 days prior to its scheduled removal.

If the tree proposed for removal is on the property line, you must provide written consent of the adjacent property owner at the time of filing the application for a Tree Removal Permit.

Question #4: Do I need a permit to prune a tree on my private property?

Answer: No, but it should be pruned so that the health, balance and shape of the tree are not negatively altered.

Question #5: Who is responsible for applying for the Tree Removal Permit?

Answer: Either the property owner or the tree removal contractor hired by the property owner may apply for the Tree Removal Permit but the property owner must be the one who meets with a member of the Shade Tree Commission or its designee within 30 days of application.

Question #6: What do I need to do if the tree I want to remove is dead, dying, diseased or fatally damaged by thunderstorm, windstorm, floods or other natural disaster?

Answer: You must seek a waiver of payment of the Tree Replacement Fee by submitting with the application for a Tree Removal Permit a written determination by a Licensed Tree Expert (as defined in N.J.S.A 45:15C-12 and 17) hired by you, at your expense, that the tree is dead, dying diseased or fatally damaged with a color photograph and other documentation showing the tree’s condition. Upon acceptance of your waiver, you may remove the tree without payment of the Tree Replacement Fee of \$350.00. You will, however, be responsible for payment of the filing fee (\$20.00 per tree). If the tree, however, is structurally comprised such that it requires immediate removal because the tree is in imminent danger of causing damage or injury to persons or property, see Answer to Question #8.

Question #7: How do I measure the Diameter at Breast Height (“DBH”) of a tree?

Answer: DBH is a forestry measurement that refers to the tree’s diameter measured at 4 ½ feet above the ground on the downhill side of the tree. Diameter can be determined by measuring the circumference of the tree with a tape measure and dividing by 3.14.

Question: #8: Do I need to apply for a Tree Removal Permit if the tree I wish to remove on my private property is structurally comprised such that the tree is in imminent danger of causing damage or injury to persons or property?

Answer: No, but you must provide within 7 days of the tree’s removal written notification of such emergency removal to the Building Department together with color photographs of such tree prior to its removal showing the parts of the tree that are structurally compromised and how it is threatening persons or property. (§275-24 D(iv))

Question #9: Can I plant a tree, bush, hedge, ornamental grasses or other plant life in the area between the sidewalk and the curb?

Answer: No, not without the consent of the Shade Tree Commission, except for grass. (§275-8.K)

Question #10: Where do the funds collected as the Tree Replacement Fee go?

Answer: The funds collected from the Tree Replacement Fees go into the Leonia Shade Tree Trust Fund. These funds are to be used by the Shade Tree Commission toward the cost of purchasing, planting, maintaining and otherwise protecting trees within the Borough. (§275-24.A(iv))

Question #11: Am I required to prune my trees that overhang the Borough right-of-way?

Answer: Yes, it is your responsibility to prune trees that are on your private property to prevent the them from endangering the public or interfering with public travel or traffic on sidewalks or streets. (§275-14)

Question #12: What are the repercussions of violating the provisions of the New Chapter 275, including the removal of a tree on my private property without a permit?

Answer: Any person found guilty of violating any of the provisions of the New Chapter 275 will be fined a maximum of \$1,500 for each offense, plus a replacement assessment for any tree removed, destroyed or injured to cause to die. A violation affecting more than one tree is considered a separate violation as to each tree. The replacement assessment is a formula based upon the number of square inches contained in a cross section of the tree’s trunk, multiplied by a predetermined value per square inch, not exceeding \$27 per square inch. (§275-26)

Question #13. Why has Leonia adopted a new ordinance that requires a permit for removal of trees on private property and payment of a Tree Replacement Fee?

Answer: Trees are a vital asset to our urban community. Trees clean the air we breathe, reduce flooding and soil erosion, provide homes to wildlife as well as add beauty to our community. Trees also have direct economic benefits from savings in energy costs as well as increasing property values. Larger trees offer all these benefits on a larger scale. Recognizing the importance of maintaining this vital asset, the Borough has adopted this new ordinance that will require starting on April 1, 2020 a permit and payment of Tree Replacement Fee for trees on private property that have a Diameter at Breast Height (“DBH”) of 8 inches or greater with certain exceptions. It is also important to note that many towns in New Jersey, including neighboring towns, have adopted ordinances that govern the removal of trees on the private property.

Question #14: Who should I call if I suspect that a resident is removing a tree on their private property in violation of the new ordinance?

Answer: Please call the Leonia Building Department and inform them of your concern. It is important that we all work together to ensure all residents are aware of the new ordinance and are abiding by its requirements.

Question #15: Does the requirement to file for a Tree Removal Permit apply to the removal of trees on the property of a business owner?

Answer: Yes, the requirement to file for a Tree Removal Permit applies to all property owners in Leonia.