

BOROUGH OF BRADLEY BEACH, MONMOUTH COUNTY

ORDINANCE 2026-13

**ORDINANCE AMENDING CHAPTER 425: “TREES” OF THE BOROUGH’S REVISED
GENERAL ORDINANCES TO ENHANCE THE OPERATIONS AND REGULATIONS
OF THE BOROUGH’S SHADE TREE COMMISSION.**

WHEREAS, based upon recommendations from the Shade Tree Commission to improve its operations and regulations, the Borough of Bradley Beach (the “Borough”) seeks to enhance certain procedures and regulations governing shade trees within the Borough;

NOW, THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of Bradley Beach, County of Monmouth, and State of New Jersey as follows:

SECTION 1. Chapter 425: “Trees” of the Revised General Ordinances of the Borough of Bradley Beach is hereby amended as follows (~~stricken~~ text deleted; underlined text added):

CHAPTER 425: TREES

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ARTICLE IV APPLICATION AND PERMIT REVIEW; APPEAL.

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§ 425-11 Review and Decision on Permit Application.

- A. The Bradley Beach Code Official, or in his or her absence or incapacity, the Commission, shall accept for filing the permit application referenced in § 425-10 hereinabove. Said application shall be date and time stamped when received. Thereafter, the Commission or the licensed tree expert shall, within 25 business days of receipt of the completed application:
- (1) Visit and inspect the location and inspect the land and trees that are the subject of the application, and the submission of an application shall constitute permission from the applicant for the Commission to enter property upon reasonable notice for said inspection;
 - (2) If necessary, meet with the applicant to discuss the application; and
 - (3) Grant or deny the requested permit in whole or in part, or make recommendations that would make the application acceptable to the Shade Tree Commission or licensed tree expert, in writing and in accordance with the following considerations:
 - (a) Whether the removal or destruction of the tree or trees will cause or contribute to physical or environmental problems on the land and other property, including but not limited to flooding, soil instability and erosion.

- (b) Whether the destruction or removal of the tree or trees will have a negative impact on the contiguous canopy or on the growth and development of the remaining trees on the land and other property.
 - (c) Whether the destruction or removal of the tree or trees will have a negative aesthetic or visual impact on the land and other property.
 - (d) Whether the destruction or removal of the tree or trees will threaten or otherwise lead to a loss of wildlife habitat or tree species.
 - (e) Whether the tree or trees are specimen or significant tree(s) as defined in § 425-2.
 - (f) Whether the destruction or removal of the tree or trees is under the jurisdiction of a New Jersey or federal agency.
 - (g) Whether the destruction or removal of the tree or trees is a part of an overall landscape plan for the property.
 - (h) Whether a denial of the permit, in whole or part, would cause an undue hardship on the applicant.
 - (i) Whether the applicant's tree replacement plan will mitigate the negative impact that the tree removal or destruction will have on the land and other property.
- B. A decision other than one to grant the requested permit in its entirety shall include the Shade Tree Commission's or licensed tree expert's written findings and reasons for said decision.
- C. The failure of the Shade Tree Commission to grant or deny the application for a permit for the removal or destruction of a tree or trees within the twenty-five-business-day period shall constitute approval of said application and entitle the applicant to the permit requested unless an extension of the twenty-five-business-day period has been agreed upon between the applicant and the Shade Tree Commission in writing before the period expires.
- D. The removal of trees and any tree replacement plan are to be implemented within one year from issuance of the permit. A permit shall expire and shall no longer be in effect 12 months after the date said permit was first granted, unless an extension of the twelve-month period has been agreed upon between the permittee and the Shade Tree Commission in writing before the period expires.
- E. Permits may be transferred only within 90 days of their date of issuance.

F. Tree Removal Permit Card; Mandatory Posting. Upon approval of a tree removal application by the Commission, the applicant shall be issued an official Tree Removal Permit Card. The Tree Removal Permit Card must be clearly displayed in a street-facing window of the property or in a conspicuous location on the site for the duration of the removal and replanting process to serve as public notice that the removal is authorized.

G. Return; Enforcement. The applicant must return the Tree Removal Permit Card to the Borough or the Commission within fourteen (14) days of either the successful planting of the required replacement tree(s) as specified in the permit, or a final inspection and approval by the Commission or its designee. Failure to display the Tree Removal Permit Card during tree removal activities, or failure to return the card upon completion of the replacement planting shall be a violation of this Chapter.

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ARTICLE V GENERAL PROVISIONS.

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§ 425-13 Violations and penalties; enforcement procedures.

A person who removes or destroys a tree without a required permit or approval, or otherwise violates or causes to be violated any of the provisions of this chapter, shall be subject to the following informal resolution and formal complaint procedures, as applicable:

A. Trees on public streets or property. Any person who removes or destroys a tree located upon a street, highway, within a park, or otherwise located on public property without a required permit or approval under this chapter shall be fined ~~\$100~~ \$250, and thereafter be required to resolve the violation under the same procedures set forth hereinbelow for violations occurring on private property.

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SECTION 2. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

SECTION 3. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough, the provisions hereof shall be determined to govern. All other parts, portions and provisions of The Revised General Ordinances of the Borough of Bradley Beach are hereby ratified and confirmed, except where inconsistent with the terms hereof.

SECTION 4. This Ordinance shall take effect upon adoption and publication in accordance with the laws of the State of New Jersey.

SO ORDAINED as aforesaid.

Erica Kostyz, RMC, CMR
Municipal Clerk

Alan Gubitosi
Mayor

Introduced: February 17, 2026

Date of Hearing and Adoption: March 3, 2026