

**BOROUGH OF BRADLEY BEACH, MONMOUTH COUNTY**

**ORDINANCE 2026-31**

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

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**WHEREAS**, the Borough of Bradley Beach (the “Borough”) is committed to preserving, restoring, and expanding its tree canopy to mitigate coastal flooding, manage stormwater runoff, reduce urban heat island effects, and maintain the aesthetic character of its neighborhoods; and

**WHEREAS**, Chapter 425 of the Borough Code regulates the protection, retention, and removal of trees on private property and public rights-of-way under the purview of the Shade Tree Commission, requiring an application and permit fee of \$50.00 for authorized removals; and

**WHEREAS**, the current penalty of \$200.00 for the unauthorized removal of a protected tree has been insufficient to deter non-compliance, effectively as a nominal cost that encourages individuals to bypass the review process rather than submitting an application and permit fee; and

**WHEREAS**, the physical, infrastructure, and environmental loss of a mature canopy tree to the community far exceeds the current penalty, and a substantial deterrent is required to ensure compliance and protect the integrity of the Borough's preservation rules;

**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.** Section 425-13: “Violations and Penalties; Enforcement Procedures” of Article V: “General Provisions” of Chapter 425: “Trees” of the Revised General Ordinances of the Borough of Bradley Beach is hereby replaced, in its entirety, as follows:

**CHAPTER 425: TREES**

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**ARTICLE V                      GENERAL PROVISIONS.**

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**§ 425-13                      Violations and penalties; enforcement procedures.**

- A. Any 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, upon conviction, be subject to a monetary fine of one-thousand dollars (\$1,000.00) per tree removed, destroyed, or damaged.

- B. In addition to the monetary fine set forth in Subsection 425-13(A), any person convicted of removing or destroying a tree without a required permit or approval shall, upon conviction, be further required to plant and/or provide such replacement tree(s) as required pursuant to Schedule B hereinbelow.

**SCHEDULE B - SHADE TREE PENALTY SCHEDULE**

| <b>Tree Removed/Destroyed</b>  | <b>Replacement Tree(s) Required</b> |  |
|--------------------------------|-------------------------------------|--|
| Tree with DBH of 5" to 7.99"   | One (1) replacement tree            |  |
| Tree with DBH of 8" to 16.99"  | One (1) replacement tree            |  |
| Tree with DBH of 17" to 30.99" | Two (2) replacement trees           |  |
| Tree with DBH greater than 31" | Three (3) replacement trees         |  |

\* Replacement trees for the planting strip must be from the "Required Trees for Planting Strips" list. Replacement trees for private property are recommended to be from either the "Suggested Trees for Private Property" list or the "Required Trees for Planting Strips" list. All private property replacement trees must measure at least 2.5" in caliper.

- C. The owner of record of the property upon which a violation occurs shall be held strictly accountable and liable for any unauthorized tree removal, substantial damage, or destruction taking place on their premises. The property owner remains the responsible party for all work executed on the property, regardless of whether the physical extraction was performed by the owner or a hired contractor, firm, or agent.
- D. Each unauthorized tree removal shall constitute a separate and distinct offense.
- E. Any fines and/or restitution ordered by the Municipal Court shall be paid into the Bradley Beach Shade Tree Trust Reserve, except as otherwise provided by law.

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.

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Erica Kostyz, RMC, CMR  
Municipal Clerk

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Alan Gubitosi  
Mayor

Introduced: July 7, 2026

Date of Hearing and Adoption: