

Tree Removal

[Jackson Township \(Ocean\)](#) tree ordinance was unanimously upheld by the [NJ Supreme Court](#) in May 2009. The ordinance requires property owners to replace trees that they remove, or to pay into the Township's tree fund for planting new trees on publicly owned land. Before tree removal, owners get a permit and file a plan for review by the Township Forester, Shade Tree Commission and Environmental Commission.

The Court held that the Jackson ordinance is a valid exercise of police powers.

- State law (NJSA 40:48-2) allows municipalities to pass ordinances "for the preservation of the public health, safety and welfare of the municipality and its inhabitants."
- The Jackson ordinance's requirements are related to its goals of protecting the environment and reversing the negative effects of tree removal.

Represented by the [Columbia University Environmental Law Clinic](#), ANJEC and the [New Jersey Sierra Club](#) filed an Amicus brief in support of the tree ordinance.

The brief documented the environmental benefits of trees

- In purifying the air,
- Reducing the impacts of climate change and
- Enhancing property values.

While the Court upheld the validity of requiring replacement of trees or paying into a tree fund, the Jackson ordinance remains in limbo because of vagueness in its definition of when removal is for "useful or beneficial purpose" and its lack of standards for the use of the tree fund.