

ORDINANCE 2020-11
INTRODUCTION DATE: 09-29-2020
PUBLIC HEARING DATE: 10-13-2020

**AN ORDINANCE AUGMENTING CHAPTER 12: “PROPERTY MAINTENANCE” OF
THE BOROUGH CODE TO INCLUDE NEW SECTION 12-6: “BAMBOO” TO
REGULATE RUNNING BAMBOO WITHIN THE LIMITS OF THE BOROUGH**

C/Esakoff offered the following Ordinance and moved its introduction, which was seconded by C/Hamilton.

BE IT ORDAINED by the Governing Body of the Borough of Roosevelt, County of Monmouth, State of New Jersey, that the Borough’s Revised General Ordinances, Chapter 12: “Property Maintenance” is hereby amended to include new Section 12-6: “Bamboo” as follows:

CHAPTER 12 PROPERTY MAINTENANCE

* * *

§ 12-6 BAMBOO.

§ 12-6.1 Purpose and Intent.

The purpose of this Ordinance is to preserve and protect private and public property from the damaging spread of running bamboo grasses and to protect indigenous plants and the wildlife they support from the invasive spread of such bamboo from any neighboring property line.

§ 12-6.2 Definitions.

- A. *Running Bamboo* – Any monopodial (running) woody grass from the genera of bamboos including, but not limited to, *Bambusa*, *Phyllostachys* and *Pseudosasa*, as well as common bamboo, golden bamboo and arrow bamboo.
- B. *Running Bamboo Property Owner(s)* – Any property owner(s) or tenant(s) who, or which, have Running Bamboo on their property, even if the Bamboo has spread onto their property from an adjoining property.
- C. *Buffer Zone* – A distance of at least five (5) feet from any lane, street, road, right-of-way, or neighboring property line, whichever is more restrictive for the Running Bamboo Property Owner.
- D. *Borough* – The Borough of Roosevelt, Monmouth County, New Jersey.

- E. *Notice* – Any written notice by, from or on behalf of the Borough, notifying the Running Bamboo Property Owner(s) that they are in violation of this Ordinance and directing them to abate the violation. Such Notice shall be sent by certified mail, return receipt requested, addressed to the owner(s) listed on the current tax address on file with the Borough. A copy may also be posted on the property in question.
- F. *Receipt of Notice* – Receipt of the Notice required herein shall be the date of mailing said Notice, or, if applicable, posting of the Notice on the property in question, whichever is earlier.

§ 12-6.3 Planting of Running Bamboo.

- A. The planting of Running Bamboo is prohibited within the Borough, unless said plantings comply with the restrictions set forth in Section 12-6.3(B) hereinbelow.
- B. Any Property Owners(s) with Running Bamboo on their lands within the Borough after the effective date of this Ordinance shall be in violation of this Ordinance and shall be subject to the penalties set forth herein, subject to the following exceptions:
 - 1. The root system of such Running Bamboo is entirely contained within an above ground planter and located so as to entirely prevent the spread or growth of the bamboo plants' root system beyond the container in which it is planted; or
 - 2. The root system is contained within a barrier, constructed in accordance with the following specifications:
 - a. The barrier itself shall be composed of a high density polyethylene (HDPE) with a minimum thickness of 60 mil (or 1/16 of an inch);
 - b. Each portion of the barrier shall be joined together by the use of sufficient composite, plastic, or stainless steel strips or clamps;
 - c. The barrier shall be a minimum of 30 inches deep, with 2-3 inches of the barrier protruding above ground level around the entire perimeter of the bamboo;
 - d. When installed, the barrier shall slant outward from the bottom to top.
 - 3. Whether planted or growing in a container, as described herein, all Running Bamboo shall be located, trimmed and maintained so that no part of the plant shall be closer than five (5) feet from any lane, street, road, right-of-way, or neighboring property line.

§ 12-6.4 Regulation of Running Bamboo.

- A. Any Running Bamboo on any property within the Borough as of the effective date of this Ordinance, may remain on such property, provided that such Running Bamboo is planted and maintained in accordance with Section 12-6.3(B) hereinabove.
- B. Running Bamboo Property Owner(s) shall take all necessary measures to ensure that any Running Bamboo on their property does not exist within any Buffer Zone. Such measures shall include, but are not limited to, cutting down, digging out, or otherwise removing Running Bamboo existing in the Buffer Zone and physically removing or poisoning the rhizomes or spraying any regrowth for several years until the Running Bamboo is dead and, if Running Bamboo is permitted to remain outside the Buffer Zone, installing an impenetrable barrier (per Section 12-6.3(B) hereinabove) placed no less than five (5) feet from any lane, street, road, right-of-way, or neighboring property line at a sufficient depth to prevent any growth of Running Bamboo within any Buffer Zone.
- C. This Ordinance shall not be deemed to alter any rights at common law or otherwise that any property owner may have to recover the cost of removal of Running Bamboo on their own property from another property owner from whose property the Running Bamboo has spread.

§ 12-6.5 Removal of Running Bamboo.

If Running Bamboo on any property grows in or into any Buffer Zone, the Borough shall give Notice to the Running Bamboo Property Owner(s), as required by this Ordinance, that the said Property Owner(s) are responsible for the extermination or removal of such Running Bamboo from the Buffer Zone.

§ 12-6.6 Inspection.

All premises within the Borough shall be subject to inspection by the Code Enforcement Officer to determine compliance with this Ordinance as provided by law.

§ 12-6.7 Violations and Penalties.

- A. Whenever Running Bamboo as defined by this section is found planted in the ground on any plot of land, lot or any other premises or place in violation of this Chapter, a notice of violation shall be given to the Running Bamboo Property Owner(s), in writing, providing said Running Bamboo Property Owner(s) at least forty-five (45) days to remove or abate the same.
- B. The cost of the abatement shall be borne by the Running Bamboo Property Owner.
- C. If the Running Bamboo Property Owner fails to comply with such notice, the Code Enforcement Officer may remove or otherwise control the Running Bamboo and the Borough may recover the cost of such removal from the Running Bamboo Property Owner and place a lien on the property to recover the cost of the removal.

- D. Any Running Bamboo Property Owner(s) violating this Ordinance who fail to abate the violation after notice shall be subject to an initial fine, not to exceed \$500.00, and for each day after receipt of the summons for the initial violation that the Running Bamboo Property Owner(s) thereafter fails comply, shall be subject to a daily fine not to exceed \$100.00 upon conviction by the Municipal Court.

§ 12-6.8 Effective Date.

No notices, summonses or other process shall be issued by the Borough under the authority of this Chapter, nor shall any penalties be enforced by the Municipal Court for violations of this Chapter, except for any such violation(s) occurring on or after March 1, 2021.

BE IT FURTHER ORDAINED that should any section, paragraph, sentence, clause, or phase of this ordinance be declared unconstitutional or invalid for any reason, the remaining portion of this ordinance shall not be affected thereby and shall remain in full force and effect, and to that end the provisions of this ordinance are hereby declared to be severable; and

BE IT FURTHER ORDAINED that all ordinances or parts of ordinances inconsistent with this amending ordinance are hereby repealed to the extent of their inconsistencies only; and

BE IT FURTHER ORDAINED that this ordinance shall be in full force and take effect immediately upon final passage and publication.

ATTEST:

APPROVED

Kathleen Hart, Borough Clerk

Peggy Malkin, Mayor