

ORDINANCE NO. 2021-18

**ORDINANCE OF THE MAYOR AND BOROUGH COUNCIL OF THE
BOROUGH OF BELMAR, COUNTY OF MONMOUTH, STATE OF
NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER XXVI
ENTITLED HOUSING AND PROPERTY MAINTENANCE IN ORDER
TO PROHIBIT THE PLANTING OR GROWING OF BAMBOO**

BE IT ORDAINED, by the Mayor and Council of the Borough of Belmar, County of Monmouth, State of New Jersey, that Chapter 26 of the Borough Code is hereby amended to include the following:

SECTION I. New Section 26-2-11 entitled “No Planting of Running Bamboo” is hereby adopted.

A. The inground planting of running bamboo is prohibited in the Borough of Belmar.

B. Regulation of and Limitations on Existing Running Bamboo.

1. In the event any species commonly known as “Running Bamboo” is located upon any property within the Borough of Belmar, prior to the effective date of this prohibition, the owner and occupant of said property shall jointly and severally be required to confine such species to prevent encroachment, spread, invasion or intrusion of same onto any other private or public property or public right-of-way. In lieu of confining the species, the property owner or occupant may elect to totally remove the bamboo from the property. Failure to properly confine such bamboo shall require removal as set forth below. The cost of said removal shall be at the bamboo property owner’s expense.

C. Removal of Running Bamboo

1. Whenever running bamboo, as defined by this Chapter, is found on any plot of land, lot or any other premises or place, as is found to lack appropriate physical barriers to prevent the spread or growth of the species, or is found to have spread beyond the boundaries of a property, violations shall be given to the owner of the property from which the invasive species have spread, in writing, to remove or abate the same within thirty days. The cost of all remedies, including the removal of plantings of invasive plants, shall be borne by the property owner.
2. Any person violating the provisions of this Chapter shall, upon conviction, be punished by a fine or not more than \$2,000.00, or community service, as determined by the Municipal Court of the Borough of Belmar. A continuation of such violation for each successive day shall constitute a separate offense and the person or persons allowing or permitting the continuation of such violation will be punished as provided above for each separate offense.

SECTION II If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

SECTION III. All ordinances or parts of ordinances inconsistent with or in conflict with the Ordinance are hereby repealed to the extent of such inconsistency.

SECTION IV. This Ordinance shall take effect 20 days after final passage, adoption and publication according to law.