

ORDINANCE NO. 2021-26

**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 OR
INVASIVE PLANTS**

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. Previously pursuant to Ordinance 2021-18 the Mayor and Council amended and supplemented Chapter XXVI of the Borough Ordinances to prohibit the Planting of Running Bamboo. New Section 26-2.11 entitled “No Planting of Running Bamboo” is hereby adopted.

SECTION II. Section 26-2.11 entitled “No Planting of Running Bamboo” is hereby amended and shall read as “No Planting of Running Bamboo or Invasive Plants.” This new amended section shall read as follows:

- A. The inground planting of Running Bamboo or Invasive Plants is prohibited in the Borough of Belmar.
- B. Invasive Plants shall mean shall mean all native and non-native vines and vegetation that, by their nature: (i) grow beyond the borders of the property of initial planting or cultivation; (ii) are competitive, persistent, and pernicious; and (iii) cause a neighboring property owner or the Borough potential hardship due to the vegetation being overly competitive, poisonous, allergenic, illegal by State statute, or hazardous to the neighboring property’s trees, vegetation, structures and facilities. Examples of Invasive Plants shall include but are not limited to the following plant genera: Bamboo (clumping, spreading or running type), Ragweed (ambrosia), Poison ivy (rhus radicans), Poison oak (toxicondendron vernix), Tree of heaven (Alianthus altissima), Garlic mustard (Alliaria petiolate), Japanese knotweed (Polygonum caspidatum), Mile-a-minute (Polygonum Perfoliatum), Multi flora rose (Rosa multiflora), Kudzu (Pueraria montana), and Porcelain berry (Ampelopsis brevipedunculata), and shall include the plant, and any cutting, flower, seed, root, other plant part, or cultivar therefrom.
- C. Regulation of and Limitations on Existing Invasive Plants.

1. All property owners must control the growth of invasive plants on their property. Failure to control the significant spread of such vegetation beyond the boundaries of any property within the Borough is a violation of this section.
2. All existing plantings must be contained by appropriate physical barriers to prevent growth or spread of existing invasive species beyond the boundaries of a resident's property.
3. Spread is significant when the plant's roots grow beyond the boundaries of a property owner's yard or take over or invade a neighbor's fencing, plants or other landscaping,

D. Removal of Invasive Species.

1. In the event Invasive Species Plant(s) are present on any plot of land, or any other premises or place in the Borough and a complaint is received by the Borough regarding an encroachment of any Invasive Species Plant and the Borough Code Enforcement Inspector, after observation and/or inspection, determines that there is an encroachment or invasion of an Invasive Species Plant on any adjoining/neighborly private or public property or public right-of-way, the Borough shall serve notice to the Invasive Species Plant property owner, in writing, to remove or abate the violation within such time as shall be specified in such notice.
2. The cost of abatement shall be borne by the Invasive Species Plant property owner. If the owner fails to comply with such notice within the time period specified herein, the Borough may remove or otherwise control the invasive plant species and the Borough may thereafter recover the cost of such removal from the property owner and place a lien on the property to recover the cost of said removal.

E. 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.

F. 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.

G. Penalty.

1. 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 III. To avoid confusion, the previous section 26-2.11 entitled “No Planting of Running Bamboo” is hereby deleted and replaced in its entirety with the amendment stated herein.

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

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

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed on the first reading by the Council of the Borough of Belmar, County of Monmouth, State of New Jersey on **July ____, 2021 at 6:00 p.m.**, or as soon thereafter as the matter may be reached and considered, at the Borough of Belmar Municipal Building located at 601 Main Street, Belmar, New Jersey. The Ordinance will be considered for second and final reading at a meeting of the Township Committee on **August ____, 2021, at 6:00 p.m.**, or as soon thereafter as the matter may be reached and considered, at the Borough of Belmar Municipal Building located at 601 Main Street, Belmar, New Jersey. At that time the public is invited to ask questions, raise objections or provide public comment with regard to the proposed adoption of this Ordinance.