

ORDINANCE NO. 2017-24

AN ORDINANCE AMENDING CHAPTER 17, PROPERTY MAINTENANCE OF THE BOROUGH OF BOUND BROOK, SOMERSET COUNTY, NEW JERSEY TO INCLUDE 17-28 “INVASIVE BAMBOO PLANTS”

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Bound Brook, in the County of Somerset and State of New Jersey, that Chapter XVII, Property Maintenance, be and is hereby amended and supplemented as follows:

SECTION 1. THAT A NEW SECTION 17-28, “INVASIVE BAMBOO PLANTS” be added as follows:

17-28 INVASIVE BAMBOO PLANTS

17-28.1 General

It is determined that certain types of the bamboo plant are invasive and often difficult to control, and can cause significant damage to property. The purpose of this section is to preserve and protect public and private property of the Borough of Bound Brook from the damaging spread of bamboo, to protect indigenous and other plant materials from the invasive spread of bamboo, and to maintain the general welfare of the residents of the Borough of Bound Brook.

17-28.2 Prohibition.

No owner, tenant or occupant of a property, or person, corporation or other entity, shall plant, install or cause or permit the planting or installation of plant species commonly known as Running (monopodial) Bamboo or Clumping (sympodial) Bamboo upon any property located within the Borough of Bound Brook. This prohibition shall include but is not limited to the following plant genera:

- a. Arundinaria;
- b. Bambusa;
- c. Chimonobambusa;
- d. Dendrocalamus;
- e. Fargesia;
- f. Phyllostachys;
- g. Pleioblastus;
- h. Pseudosasa;
- i. Sasa;
- j. Sasaella;
- k. Semiarundinaria.

17-28.3 Duty to Confine

In the event any species commonly known as Running Bamboo or Clumping Bamboo is located upon any property within the Borough of Bound Brook, 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 the encroachment, spread, invasion or intrusion of same onto any other private or public property or public right-of-way.

- a. In lieu of confining the species, the property owner or occupant may elect to totally remove the bamboo from the property, and all affected properties.
- b. 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. This duty to confine shall not apply if the property owner and/or occupant can establish to the satisfaction of the Director of Code Enforcement or his designee that the bamboo which is on his/her property at the time of the adoption of this Ordinance originated on another property.

17-28.4 Inspections

All places and premises in the Borough Bound Brook may be inspected by the Director of Code Enforcement or his designee subject to a complaint alleging that any subsection of this Section 17-28 has been violated.

17-28.5 Removal and Abatement

- a. Whenever an invasive plant, as defined by this chapter, is found on any plot of land, lot or any other premises or place, a violation notice shall be given to the owner, in writing, to remove or abate the violation within such time as shall be specified in such notice.
- b. The cost of abatement shall be borne by the property owner.
- c. If the owner fails to comply with such notice within the timer specified therein, the enforcing official may have removed 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 invasive plant removal.

SECTION 2: REPEAL OF INCONSISTENT PROVISIONS

All ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only to the extent of such conflict or inconsistency, it being the legislative intent that all such ordinances or part of ordinances now existing or in effect unless the same are in conflict or inconsistent with any provision of this Ordinance shall remain in effect.

SECTION 3: SEVERABILITY

The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remaining in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 4: EFFECTIVE DATE

This Ordinance shall take effect immediately upon passage and publication as provided by law.

SECTION 5: CODIFICATION

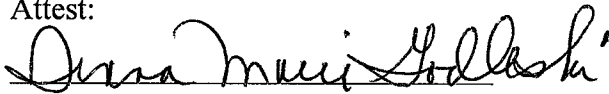
This ordinance shall be a part of the Code of Borough of Bound Brook as though codified and fully set forth therein. The Borough Clerk shall have this ordinance codified and incorporated in the official copies of the Code.

Approved:

A handwritten signature in black ink, appearing to read "Robert P. Fazen", written over a horizontal line.

Mayor Robert P. Fazen

Attest:

A handwritten signature in black ink, appearing to read "Donna Marie Godleski", written over a horizontal line.

Donna Marie Godleski, Borough Clerk

Date of Adoption: August 8, 2017

Date of Introduction: July 25, 2017