

## **ORDINANCE 2-2022**

### **AMENDING AND SUPPLEMENTING THE CODE OF THE TOWNSHIP OF ABERDEEN CHAPTER 13- PROPERTY MAINTENANCE, SECTION 13-5 BAMBOO AND INVASIVE PLANTS**

**WHEREAS**, the Township of Aberdeen (the “Township”) is a densely populated community with a wide variety of commercial and residential properties landscaped in different ways; and

**WHEREAS**, because of proximity of dwellings and businesses to each other within the Township, the planting of invasive species by one property owner can have adverse effects upon many others, and in some cases, can be deleterious to native plants and wildlife throughout the Township; and

**WHEREAS**, the Township seeks to prohibit any new plantings of bamboo and other invasive species, and to establish standards to govern existing plants of invasive species, as may be herein permitted, to better protect native species and surrounding property owners; and

**NOW, THEREFORE, BE IT ORDAINED**, the Mayor and Council of the Township of Aberdeen, Monmouth County, New Jersey, hereby amend and supplement the Code of the Township of Aberdeen Chapter 13- Property Maintenance as follows:

#### **Section 13-5 BAMBOO AND INVASIVE PLANTS**

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

##### **Section 13-5.1 Definitions**

As used in this Chapter, the following terms shall have the meanings indicated:

- a. Running Bamboo- Any monopodial (running) wood 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. Property Owner(s) – Any property owner(s) or tenant(s) who, or which, have Running Bamboo or Invasive Plants on their property, even if the Bamboo or Invasive Plant has spread onto their property from an adjoining property.
- c. Invasive Plants shall mean all native and non-native vines and vegetation, including, but not limited to, ragweed, multi-flora rose and kudzu-vine, that grow out of place and are competitive, persistent, and pernicious. These plants may damage trees, vegetation or structures.

- d. Prohibited plants shall mean all vegetation known as *Reynoutria japonica*, *Fallopia japonica*, and/or *Polygonum cuspidatum* (commonly known as Japanese knotwood) and *Ailantus altissima* (commonly known as “Tree of Heaven”).
- e. Buffer Zone- A distance of at least five (5) feet from any lane, street or road, whether public or private, or from any neighboring property, whichever is more restrictive for the property owner.
- f. Notice- Any written notice by, from or on behalf of the Township, notifying the Property Owner (s) that they are in violation of this Ordinance and directing them to cure or fix 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 Township. A copy may also be posted on the property in question.
- g. Receipt of Notice- Receipt of the Notice required herein shall be the date of mailing said Notice, or, if applicable, posting of the Notice of the property in question, whichever is earlier.
- h. Township- The Township of Aberdeen, Monmouth County, New Jersey.

### **Section 13-5.2 Bamboo**

- a. No Planting of Running Bamboo
  - 1. The planting of Running Bamboo is prohibited within the Township.
  - 2. Any existing Running Bamboo may not be replanted or replaced after any such existing Running Bamboo has died or been removed.
  - 3. Any person who plants or replants Running Bamboo within the Township limits 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:
    - i. 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 plants’ root system beyond the container in which it is planted; or
    - ii. The root system is contained within a barrier, constructed in accordance with the following specifications:
      - 1. The barrier itself shall be composed of a highly density polypropylene or polyethylene, with a minimum thickness of 6 mil (or 1/16 of an inch);

2. Each portion of the barrier shall be joined together by the use of stainless steel strips or clamps;
3. 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;
4. When installed, the barrier shall slant outward from the bottom to top.

iii. Whether planted or growing in a container, as described herein, all bamboo plants shall be located, trimmed and maintained so that no part of the plant shall be closer than five (5) feet from any property line.

b. Regulations of Existing Running Bamboo

1. Any Running Bamboo already in existence on any property within the Township limits as of the effective date of this Ordinance, may remain on such property, and be trimmed and maintained at all times, provided that Running Bamboo shall not be permitted within any Buffer Zone.
2. 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 measure shall include, but are not limited to, cutting down 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 sheathing comprised of metal or other impenetrable material and places no less than five (5) feet from the property line at a sufficient depth to prevent any growth of Running Bamboo within any Buffer Zone.
3. 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.

c. Removal of Running Bamboo. If Running Bamboo on any property grows in or into any Buffer Zone, the Township shall give Notice to the 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.

d. Inspection. All premises within the Township shall be subject to inspection by the Code Enforcement Officer to determine compliance with this Chapter as provided by law.

e. Violations and Penalties

1. Whenever Running Bamboo is found planted in the ground on any plot of land, lot or any other premises or place of contravention of the provisions of this Chapter, a Notice shall be given to the Property Owner(s), providing thirty (30) days to remove or abate the same.
2. The cost of the removal and/or abatement shall be borne by the Property Owner(s).
3. If the Property Owner(s) fail(s) to comply with such Notice, the Property Maintenance Officer may remove or otherwise control the Running Bamboo and the Township may thereafter recover the cost of such removal from the Property Owner(s) and place a lien on the property to recover the cost of the removal according to law.
4. Any person violating this Ordinance who fails to abate the violation after Notice shall be subject to a fine, not to exceed \$500.00, plus costs, for each day on which a violation has occurred, and for which the Property Owner(s) has been found guilty. Each day on which the violation occurs shall be a separate offense under this Chapter.

### **Section 13-5.3          Invasive Plants and Prohibited Plants**

- a. Plantings and Prohibitions
  1. All new in-ground plants of Invasive Plants and Prohibited Plants are strictly forbidden with the Township.
  2. All existing plantings of invasive Plants must be contained by appropriate physical barriers to prevent the growth or spread of Invasive Plants within any Buffer Zone or any property.
  3. Prohibited Plants are hereby prohibited within the limits of the Township and all such plants shall be destroyed by the Property Owner(s) within thirty (30) days of receiving written Notice from the Township.
- b. Inspection. All premises within the Township shall be subject to inspection by the Code Enforcement Officer to determine compliance with this Chapter as provided by law.
- c. Requirements of Property Owner(s)
  1. All Property Owner(s) shall be required to control the growth of existing plantings of Invasive Plants.
  2. The failure of any Property Owner(s) to control the spread of Invasive Plants within any Buffer Zone of residential or commercial property is a violation of this Chapter.
  3. The failure of any Property Owner(s) to remove and/or destroy Prohibited Plants growing upon residential or commercial property is a violation of this Chapter.

4. In order to prevent damage to non-target plants and animals, mechanical control and removal of Invasive Plants and Prohibited Plants shall be prioritized over chemical means wherever possible.
5. Removed Invasive and Prohibited plant material must not be disposed in an area where it can regrow, nor placed with the Township leaf and brush pickup.

d. Removal of Abatement

1. Whenever Invasive Plants or Prohibited Plants are found planted in the ground on any plot of land, lot or any other premises or place in contravention of the provisions of this Chapter, a Notice shall be given to the Property Owner(s), providing thirty (30) days to remove or abate the same. The notice will include an information sheet describing the Invasive Plant(s) or Prohibited Plant(s) of concern and including best practices for its control or removal.
2. The cost of the removal and/or abatement shall be borne by the Property Owner(s).
3. If the Property Owner(s) fail(s) to comply with such Notice, the Code Enforcement Officer may remove or otherwise control the Invasive Plants and/or Prohibited Plants and the Township may thereafter recover the cost of such removal from the Property Owner(s) and place a lien on the property to recover the cost of the removal according to law.
4. Any person violation this Ordinance who fails to abate the violation after Notice shall be subject to a fine, not to exceed \$500.00, plus costs, for each day on which violation has occurred, and for which the Property Owner(s) has been found guilty. Each day on which the violation occurs shall be separate under this Chapter.

**BE IT FURTHER ORDAINED**, by the Governing Body of the Township of Aberdeen that any ordinances or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed as to said inconsistencies and conflicts.

ATTEST:

Township of Aberdeen

\_\_\_\_\_  
Melissa Pfeifer  
Municipal Clerk

By: \_\_\_\_\_  
Fred Tagliarini  
Mayor