

BOROUGH OF NORTHVALE
County of Bergen
State of New Jersey

ORDINANCE #1059-2022

AN ORDINANCE GOVERNING THE PLANTING AND GROWING OF BAMBOO

SECTION 1. The Code of the Borough of Northvale be and is hereby amended and supplemented to add a new Chapter 201 Planting and Growing of Bamboo as follows:

Chapter 201 Planting and Growing of Bamboo

§200-1 Purpose and Intent

The purpose and intent 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 bamboo from any neighboring property line.

§200-2 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 has 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 10 feet from any lane, street or road, whether public or private, or from any neighboring property.
- D. Borough – the Borough of Northvale, Bergen County, New Jersey
- E. Notice – Any written notice by, from or on behalf of the Borough of Northvale (i) notifying the Running Bamboo Property Owner(s) that they are in violation of this Ordinance and (ii) directing them to cure or fix the violation within sixty (60) days. Such Notice shall be sent by certified mail, return receipt requested and regular mail, addressed to the owner(s) listed on the current tax address on file with the Borough or personally served on the property owner or tenant. A copy of the Notice may also be posted on the property in question.
- F. Receipt of Notice – Receipt of Notice shall be the date of mailing the Notice, or if applicable, the date of personally serving or posting the Notice on the property in question, whichever is earlier.

§200-3 NO PLANTING OF RUNNING OF BAMBOO

- A. The planting of Running Bamboo is prohibited. The only exception shall be the planting of bamboo in individual contained planting pots shall be permitted.
- B. Any pre-existing Running Bamboo shall be permitted to remain subject to the provisions of this Ordinance but shall not be relocated, replanted, or replaced after having died or been removed.
- C. Any person or entity who plants or replants (or who allows for the planting or replanting) of Running Bamboo within the Borough of Northvale after the effective date of this Ordinance shall be in violation of this Ordinance.

§200-4 REGULATING PRE-EXISTING RUNNING BAMBOO

- A. Any pre-existing Running Bamboo already in existence prior to the effective date of this Ordinance may remain, provided however that the Running Bamboo shall not be permitted to exist within any Buffer Zone.
- B. Running Bamboo property owners shall take all necessary measures, including but not limited to cutting, trimming and removal, to ensure Running Bamboo does not exist within any Buffer Zone.
- C. The cutting, trimming, removal, and costs associated therewith of removing any Running Bamboo that invades an adjacent property shall be the responsibility of the property owner whose bamboo has crossed property lines. If the property owner refuses to remove any Running Bamboo that invades an adjacent property shall remain liable for the costs incurred associated with removal.
- D. 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.

§200-5 ENFORCEMENT

This Chapter shall be enforceable by the Code Enforcement Official for the Borough of Northvale and shall be applied to all properties and premises located within the Borough.

§200-6 VIOLATIONS AND PENALTIES

- A. Whenever Running Bamboo is found planted in violation of this Ordinance, a Notice shall be provided to the Running Bamboo Property Owner to abate the violation within sixty (60) days.
- B. The cost of abatement shall be borne by the Running Bamboo Property Owner.
- C. If the Running Bamboo Property Owner fails to comply with the Notice within the sixty-day period, the Code Enforcement Official may remove or otherwise control the invasive plant species at the Property Owner's expense. The Borough may thereafter recover all costs of removal from the Running Bamboo Property Owner as well as place a lien on the property for recovery of the cost of removal.
- D. Any person in violation of this Ordinance who fails to abate the violation after Notice shall be subject to the following penalties:
 - (i) A fine of not less than \$25 per day nor more than \$100 per day, for each day the violation exists after the sixty day abatement period expires.

- (ii) Each day on which the violation continues shall constitute a separate offense under this Ordinance.
- (iii) Fines are in addition to any costs incurred by the Borough.

SECTION 2. REPEALER. All prior ordinances that are inconsistent with this ordinance are repealed. All ordinances are hereby amended to be consistent with this ordinance and all ordinances, including this one, shall be construed consistent with the express purpose of this ordinance.

SECTION 3. Savings and Construction. This ordinance shall be construed consistent with the purpose stated hereof. Any ambiguities in this ordinance shall be construed in accordance with the purpose of this ordinance. If any part of this ordinance is invalidated by a court of competent jurisdiction, the remainder of this ordinance shall be saved to the full extent possible. This Ordinance is amendatory and supplementary to existing provision of the Northvale Code.

SECTION 4. Codification. This ordinance shall be codified to the chapters set forth herein.

Effective Date. This ordinance shall take effect immediately upon approval and publication of notice of adoption as provided by law.

Patrick J. Marana

Patrick J. Marana, Mayor

Attest:

Frances M. Weston

Frances Weston
Municipal Clerk

Introduced: November 16, 2022

2nd Reading: December 14, 2022

Adopted: December 14, 2022