

ORDINANCE #2018-10

AN ORDINANCE SUPPLEMENTING CHAPTER IX OF THE BOROUGH CODE OF THE BOROUGH OF ALLENHURST ESTABLISHING CONTROLS FOR THE INVASIVE PLANT BAMBOO

WHEREAS, the Borough Council of the Borough of Allenhurst has determined that it is in the best interests of the community to revise certain portions of its existing Borough Code concerning the invasive plant, Bamboo and to take actions to control the same;

NOW THEREFORE, BE IT ORDAINED by the Borough of Allenhurst, County of Monmouth, State of New Jersey, that the Borough Code of the Borough of Allenhurst be and is hereby amended and supplemented to add to Chapter IX, subsection 9.8 as follows:

I. INVASIVE PLANT-BAMBOO.

1. Purpose. The purpose of this section is to protect and promote the public health through the control of the growth of bamboo, a specific invasive plant species.

2. Definitions. As used in this section, the following terms shall have the meanings indicated:

a) “*Enforcing Officer*” shall mean the Township Code Enforcement Officer or his or her designee.

b) “*Invasive Plants*” shall mean all native and non-native bamboo that grows out of place and is competitive, persistent, and pernicious. This species may damage trees, vegetation, or structures.

3. Control of Growth. All persons must control the growth of bamboo. Failure to control the spread of such vegetation beyond the boundaries of a resident's property is a violation of this section.

4. Inspections. All places and premises in the Borough of Allenhurst shall be subject to inspection by the enforcing officer. Such inspections shall be performed by such person, persons or agency duly authorized and appointed by the Borough of Allenhurst. Such inspection(s) shall be made if that official has reason to believe that any section of this chapter is being violated.

5. Violations and penalties.

a) Whenever an invasive plant, as defined by this section, is found on any plot of land, lot or any other premises or place, in violation of this section, a notice of violation shall be given to the owner, in writing, to remove or abate the same within such time as shall be specified therein, but in no case shall removal take more than thirty (30) days. In the even more time is needed for treatment and or removal, approval from the code enforcement officer, or his/her designee, is required. Any person violating any provision of this section shall be punished by a fine of not less than \$200 and not more than \$2000.

b) The cost of abatement shall be borne by the property owner.

II. REPEALER. The remainder of all other sections and subsections of the aforementioned ordinances not specifically amended by this Ordinance shall remain in full force and effect.

III. INCONSISTENT ORDINANCES. All other Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistency.

IV. SEVERABILITY. 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 this Ordinance shall be deemed valid and effective.

ORDAINED that this Ordinance shall take effect twenty (20) days after the first publication thereof after final passage as provided by law.

APPROVED: June 26, 2018

ADOPTED: July 10, 2018

Administrator/Clerk