

Borough of Tenafly

ORDINANCE NO. 21-15

ORDINANCE OF THE BOROUGH OF TENAFLY, COUNTY OF BERGEN, STATE OF NEW JERSEY SUPPLEMENTING THE CODE OF THE BOROUGH OF TENAFLY TO ADD A NEW CHAPTER 12-7, ENTITLED PLANTING OR GROWING BAMBOO WITHIN THE BOROUGH

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Tenafly, in the County of Bergen and State of New Jersey, that:

SECTION 1. The Code of the Borough of Tenafly be and is hereby amended and supplemented to add a new Chapter 12-7, “Planting or Growing Bamboo within the Borough”, to read as follows:

CHAPTER 12-7 PLANTING OR GROWING BAMBOO WITHIN THE BOROUGH

§ 12-7.1 PURPOSE AND INTENT

The purpose 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 such bamboo from any neighboring property line.

§ 12-7.2 DEFINITIONS

“Running Bamboo” shall mean 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.

“Running Bamboo Property Owner(s)” shall mean 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.

“Buffer Zone” shall mean a distance of at least 10 feet from any lane, street or road, whether public or private, or from any neighboring property.

“Borough” shall refer to the Borough of Tenafly, Bergen County, New Jersey.

“Notice” shall mean any written notice by, from or on behalf of the Borough, (1) notifying the Running Bamboo Property Owner(s) that they are in violation of this Ordinance and (2) directing them to cure or fix the violation within ten (10) days. 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 Borough or personally-served on the property owner or tenant. A copy of the Notice may also be posted on

the property in question.

“Receipt of Notice” shall be the date of mailing the Notice, or, if applicable, the date of personally serving or posting of the Notice on the property in question, whichever is earlier.

§ 12-7.3 NO PLANTING OF RUNNING BAMBOO

A. The planting of Running Bamboo is prohibited in the Borough as of the effective date of this Ordinance.

B. Any existing Running Bamboo may not be replanted or replaced after having died or been removed.

C. Any person who plants or replants Running Bamboo within the Borough 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:

(1) 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 bamboo plants’ root system beyond the container in which it is planted; or

(2) The root system is contained within a barrier, constructed in accordance with the following specifications:

a. The barrier itself shall be composed of a high-density polypropylene or polyethylene, with a minimum thickness of 40 mm;

b. Each portion of the barrier shall be joined together by the use of stainless steel strips or clamps; and

c. 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;

d. When installed, the barrier shall slant outward from the bottom to top.

(3) 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 10 feet from any property line.

§ 12-7.4 REGULATION OF AND LIMITATIONS ON EXISTING RUNNING BAMBOO

A. Any Running Bamboo already in existence on any property within the Borough as of the effective date of this Ordinance may remain on such property, provided however, that the Running Bamboo shall not be permitted to exist within any Buffer Zone.

B. Running Bamboo 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 measures shall include, but are not limited to, cutting down Running Bamboo existing in the Buffer Zone and physically removing or damaging the Rhizomes and removing 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 placed no less than ten (10) feet from the property line at a sufficient depth to prevent any growth of Running Bamboo within any Buffer Zone.

C. 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.

§ 12-7.5 ENFORCEMENT

This Chapter shall be enforceable by the Code Enforcement Officer or Health Officer and shall apply to all properties and premises within the Borough.

§ 12-7.6 VIOLATIONS AND PENALTIES

A. Whenever Running Bamboo is found planted in the ground or otherwise on any property or premises in the Borough in violation of this Chapter, a Notice shall be given to the Running Bamboo Property Owner to abate the violation within ten (10) days. This provision shall not apply to any property or premises in the Borough as described in § 12-7.4, subsection A.

B. The cost of the 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 ten (10) day period, the Code Enforcement Officer or Health Officer may remove or otherwise control the invasive plant species and the Borough may thereafter recover the cost of such removal from the Running Bamboo Property Owner and place a lien on the property to recover the cost of the removal.

D. Any person violating any of the provisions of this Ordinance who fails to abate the violation after Notice shall be subject to the following penalties:

(1) A fine, not to exceed \$1,000.00, plus the costs of prosecution, for each day on which a violation continues, and for which the property owner has been found guilty.

(2) Each day on which the violation continues shall constitute a separate offense under this Ordinance.

SECTION 2: Each section of this Ordinance and every subsection hereof shall be deemed independent, separate and distinct from all other sections, and the holding of any section or a part hereof to be unconstitutional, void, or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other section or part hereof, and to this end, the provisions of this Ordinance are hereby declared severable.

SECTION 3. All other ordinances, codes or parts thereof that are in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such conflict or inconsistency. In the event of any inconsistencies between the provisions of this Ordinance and any prior Borough ordinances, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Borough's ordinances are hereby ratified and confirmed, except where inconsistent with the terms hereof.

SECTION 4: This Ordinance shall take effect upon passage and publication as required by law.

INTRODUCED: September 2, 2021

ADOPTED:

ATTEST:

APPROVED:

Omar Stovall,
Borough Clerk

Mark Zinna, Mayor