

**CITY OF NORTHFIELD, NJ
ORDINANCE 16-2015**

**AN ORDINANCE AMENDING CHAPTER 268 OF THE CODE OF THE
CITY OF NORTHFIELD GOVERNING PROPERTY MAINTENANCE**

WHEREAS, certain types of the bamboo plant are invasive and difficult to control, and such bamboo can cause significant damage to properties in the City of Northfield; and

WHEREAS, the purposes of this section are to preserve and protect private and public property 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 City of Northfield; and

NOW THEREFORE BE IT RESOLVED by the Mayor and City Council of the City of Northfield, County of Atlantic, and State of New Jersey that Chapter 268 of the Code of the City of Northfield is hereby amended to add Article III which shall read as follows:

Article III - Bamboo

§268-10 Bamboo planting prohibited; containment and removal.

It is determined that certain types of the bamboo plant are invasive and often difficult to control, and such bamboo can and has caused significant damage to properties in the City of Northfield. The purposes of this section are to preserve and protect private and public property 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 City of Northfield.

A. 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 bamboo” upon any property located within the City of Northfield. For the purposes of this section, “running bamboo” means any bamboo in the genus *Phyllostachys*, including *Phyllostachys aureosulcata*.

B. Duty to confine. In the event any species commonly known as “running bamboo” is located upon any property within the City of Northfield, 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. 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. 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. This duty to confine shall not apply if the property owner and/or occupant can establish to the satisfaction of the Code Enforcement Officer that the bamboo which is on his/her property at the time of the adoption of this article originated on another property.

C. Removal.

(1) In the event running bamboo is present on the effective date of this prohibition and a complaint is received by the City regarding an encroachment of any bamboo plant or root, and the Code Enforcement Officer of the City, after observation and/or inspection, determines that there is an encroachment or invasion on any adjoining/neighborly private or public property or public right-of-way (hereinafter, "the affected property"), the City shall serve notice to the bamboo property owner, in writing, that the bamboo has invaded other private or public properties or public rights-of-way and demand remediation of the encroachment of the bamboo from the affected property, and demand approved confinement against future encroachment. Notice shall be provided to the bamboo property owner, as well as to the owner of the affected property, by certified, return-receipt-requested mail and regular mail. Within 20 days of receipt of such notice, the bamboo property owner shall submit to the Code Enforcement Officer of the City, with a copy to the owner of the affected property, a plan for the remediation of the encroachment of the bamboo from the affected property, which plan shall include restoration of the affected property after remediation of the encroachment. Within 45 days of receipt of the Code Enforcement Officer's approval of the plan of remediation and restoration, the remediation and restoration shall be completed to the satisfaction of the Code Enforcement Officer of the City.

(2) If the bamboo property owner does not accomplish the remediation of the encroachment from such other private or public property or public right-of-way in accordance herewith, the Code Enforcement Officer of the City of Northfield shall cause a citation to be issued, with a penalty up to \$100 for each day the violation continues, enforceable through the Municipal Court of the City of Northfield. The Administrative Officer may request, and the Municipal Court may grant, a specific performance remedy. The City may also institute civil proceedings for injunctive or civil relief.

(3) Nothing herein shall be interpreted as limiting the rights of a private property owner to seek civil relief through a court of proper jurisdiction, nor the institution of civil proceedings against the proper parties.

(4) When an encroachment is upon public property or a public right-of-way and the bamboo property owner and/or occupant has not complied with the written notice provided as set forth above, the City of Northfield, at its discretion, may remove or contract for the removal of such bamboo from the City property or

public right-of-way. The cost of such removal shall be the responsibility of the bamboo property owner and occupant and shall be paid or assessed as a lien against the property on which the bamboo growth originated. The cost of said removal from the City-owned property and/or public right-of-way shall include the installation of an appropriate barrier to prevent future bamboo invasion.

D. Replanting prohibited. Any running bamboo either planted or caused to be planted or existing on the effective date of this regulation may not be replanted or replaced once such bamboo is or has become dead, destroyed, uprooted, or otherwise removed.

If any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective.

Any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

This Ordinance shall take effect according to law after final passage and publication.

Mary Canesi, RMC
Municipal Clerk

Erland Chau
Mayor

The above Ordinance was introduced and passed on its first reading at a regular meeting of the Council of the City of Northfield, New Jersey held on August 25, 2015 and was taken up for a second reading, public hearing and final passage at a meeting of said Council held September 8, 2015 in Council Chambers, City Hall, Northfield, New Jersey.

FIRST READING: August 25, 2015
PUBLICATION: August 29, 2015
SECOND READING: September 8, 2015
PUBLICATION: September 12, 2015