

TOWNSHIP OF MAURICE RIVER

ORDINANCE NO. 644

AN ORDINANCE OF MAURICE RIVER TOWNSHIP, CUMBERLAND COUNTY, AMENDING ORDINANCE 232, Chapter XIV, PROPERTY MAINTENANCE, BRUSH, WEEDS, GRASS, GARBAGE AND DEBRIS AND REPEALING ALL ORDINANCES PREVIOUSLY ADOPTED THE PROVISIONS OF WHICH ARE INCONSISTENT HEREWITH

WHEREAS, the Township Committee previously adopted Ordinance No. 232, Property Maintenance, which established regulations for brush, weeds, grass, garbage and debris; and

WHEREAS, Ordinance No. 232 is included as Chapter XIV, Property Maintenance within the Revised General Ordinances of the Township of Maurice River; and

WHEREAS, the Township Committee has determined that said ordinance should be amended to address issues related to bamboo. The Township Committee has determined that certain types of bamboo plants are invasive, extremely difficult to control, and can and have caused significant damage to properties within the Township of Maurice River. The purposes of this subsection are to preserve and protect both private and public property from the damaging spread of bamboo, to protect indigenous plants within the Township from the invasive spread of bamboo and to maintain the general welfare of the residents of Maurice River Township.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED that the Township Committee of the Township of Maurice River, County of Cumberland, State of New Jersey, does hereby amend Ordinance No. 232, Chapter XIV of the Revised General Ordinances of the Township of Maurice River as follows:

14-2. BAMBOO PLANTING PROHIBITED; CONTAINMENT AND REMOVAL

It is determined that certain types of the bamboo plant are invasive and often difficult to control, and can and has caused significant damage to properties in the Township of Maurice River. The purposes of this subsection 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 Township of Maurice River.

14-2.1. 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 Township of Maurice River. For the purposes of this

section, "running bamboo" means any bamboo in the genus Phyllostachys, including Phyllostachys aureosulcata.

- 14-2.2. b.) Duty to Confine: In the event any species commonly known as Running Bamboo is located upon any property within the Township of Maurice River, 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.

14-2.3 c.) Removal:

(1) In the event Running Bamboo is present on the effective date of this prohibition and a complaint is received by the Township regarding an encroachment of any bamboo plant or root, and the Code Enforcement Officer of the Township of Maurice River after Observation and/or inspection, determines that there is an encroachment or invasion on any adjoining/neighborhood private or public property or public right of way (hereinafter "the affected property"), the Township shall serve notice to the bamboo property owner in writing that the bamboo has invaded other private or public property(s) or public right of way(s) 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 45 days of receipt of such notice, the bamboo property owner shall submit to the Code Enforcement Officer of the Township, 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 120 days of the 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 Township.

The "affected property" owner shall not be required to remediate the encroachment of bamboo from an adjoining property. As noted above, that obligation shall be the obligation of the bamboo property owner.

(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 Township Maurice River shall cause a citation to be issued with a penalty up to \$100.00 for each day the violation continues, enforceable through the Municipal Court of the Township of Maurice River. The Administrative Officer may request and the Municipal Court may grant, a specific performance remedy. The Township 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 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 Township of Maurice River, at its discretion, may remove or contract for the removal of such bamboo from the Township property or public right of way. The cost of such said removal from the Township owned property and/or public right of way shall include the installation of an appropriate barrier to prevent future bamboo invasion.

14-2.4 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.

Section 2 All ordinances or portions thereof inconsistent with this ordinance are repealed to the extent of such inconsistency.

Section 3 All other provisions of Ordinance No. 232 shall remain in full force and effect except as amended by this ordinance.

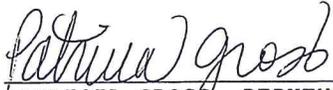
Section 4 Severability: Should any section, sentence, clause or provision or a portion of this Ordinance be held to be invalid or unconstitutional by any Court of competent jurisdiction, such holding shall not affect or impact upon any other section, sentence, clause or provision or portion of this Ordinance and the remainder of the Ordinance shall remain in full force and effect.

BE IT FURTHER ORDAINED AND ENACTED by the Township Committee of the Township of Maurice River, County of Cumberland and State of New Jersey that this Ordinance shall take effect immediately upon the adoption and publication of notice of adoption as prescribed by law.

ATTEST:


DENISE PETERSON, CLERK


ANDREW SARCLETT, MAYOR


PATRICIA GROSS, DEPUTY MAYOR


J. ROY OLIVER, COMMITTEEPERSON

First Reading: October 15, 2015

Publication: October 21, 2015

Public Hearing: November 19, 2015

Adoption: November 19, 2015

Publication of
Notice of Adoption: November 25, 2015