

**BOROUGH OF SADDLE RIVER
BERGEN COUNTY, NEW JERSEY
LEGAL NOTICE**

NOTICE IS HEREBY GIVEN that the following proposed ordinance was introduced and passed on first reading at a meeting of the Borough Council of the Borough of Saddle River, in the County of Bergen, State of New Jersey, held on the 21st day of August 2023, and that said ordinance will be taken up for further consideration for final passage at the meeting of said Borough Council to be held in the Municipal Building, 100 E. Allendale Road, Saddle River, New Jersey, on the 18th day of September 2023, at 7:00 P.M., or as soon thereafter as said matter can be reached, at which time and place all persons who may be interested therein will be given an opportunity to be heard concerning the same.

A copy of this ordinance has been posted on the Bulletin Board upon which public notices are customarily posted in the Municipal Building of the Borough, and a copy is available up to and including the time of such meeting to the members of the general public of the Borough who shall request such copies, at the office of the Clerk in said Municipal Building in the Borough of Saddle River, New Jersey.

Cindy Kirkpatrick, RMC
Borough Clerk
Borough of Saddle River
County of Bergen
State of New Jersey

**BOROUGH OF SADDLE RIVER
COUNTY OF BERGEN
STATE OF NEW JERSEY**

ORDINANCE NO. 23-1066

**AN ORDINANCE TO AMEND CHAPTER 86 OF THE CODE
OF THE BOROUGH OF SADDLE RIVER, COUNTY OF
BERGEN AND STATE OF NEW JERSEY RELATING TO
BAMBOO**

§ 86-1 Purpose.

This chapter is adopted to control the planting, cultivating or growing of bamboo in the Borough of Saddle River; and to require barriers to prevent the spread of existing bamboo into other areas of the Borough.

§ 86-2 Definitions.

This chapter refers to a plant commonly known as "bamboo." The scientific names for the plant in question include: Phyllostachys, bambusa, chusquea, borinda, fargesia, and himalayacalmus. Bamboo plants are in the sub family, Bambuseae of the grass family, Poaceae.

§ 86-3 Regulation of planting, growing or cultivating of bamboo.

Subject to certain exemptions set forth in this chapter, no persons, or other property owners or tenants, shall hereafter plant, cultivate, or cause to grow any bamboo on any lot or parcel of ground in the Borough of Saddle River except as follows:

- A. The root system of a bamboo plant, which is entirely contained within an above-ground-level planter, barrel, or other vessel of such design, material and location as to entirely prevent the spread of bamboo plants beyond the container in which it is planted.
- B. Bamboo existing on any private residential property as of September 1, 2023, shall be permitted to exist, provided that the owner of such property shall be responsible to prevent the spread of such bamboo to any adjacent property. In the event that bamboo spreads onto or into an adjacent property, the owner of the originating property may be civilly liable for damages and injunctive relief to the adjacent property owner in an action brought in the Superior Court by such property owner.

§ 86-4 Complaint notice, order for removal; compliance.

Whenever a complaint is received by the Borough of Saddle River regarding the encroachment of any bamboo plant or root on to a Borough right-of-way or property, or whenever the Borough on its own observations and inspections, determines that there is an encroachment of bamboo plants or roots on to the property of the Borough, the Borough shall send a notice to the property owner in question, which notice shall be substantially as follows:

- A. The notice shall be mailed by certified mail, return receipt requested, properly addressed and with sufficient postage, and also by first-class mail. Notice by certified mail shall be deemed complete on the date of personal delivery, or the date the certified mail is marked refused or unclaimed or otherwise undeliverable by the United States Post Office, when the first-class mail was not returned.
- B. The notice shall specify the nature and location of the violation.
- C. The notice shall state that the violation must be corrected within thirty (30) days from the date of the received or returned mailing.
- D. The notice shall state specifically what must be done to correct the violation.
- E. A copy of this chapter adopted by Ordinance No. 18-949-C shall be included.

§ 86-5 Violations and penalties.

- A. Any person determined by any court of competent jurisdiction to have violated this chapter shall be subject to pay a fine not to exceed the maximum amount prescribed by statute. Each day of a continuing violation shall constitute a separate offense, for which an

additional fine can be levied.

- B. If the violation is not remedied within the time set forth in the aforesaid notice, the Borough is hereby authorized to remove or have removed any bamboo encroaching into the public right-of-way and to take all reasonable steps to eradicate the regrowth of the bamboo on the public right-of-way, including sidewalks, and to restore such land to its normal condition, prior to such removal and eradication. The Borough is authorized to seek recoupment of its costs from the originating property owner and the cost of any such remedial work shall be a lien on the property in question.

This Ordinance shall take effect immediately upon final passage, approval and publication in accordance with law.

ATTEST:

APPROVED:

Cindy Kirkpatrick, RMC
Municipal Clerk

Mayor Albert J. Kurpis
Borough of Saddle River