

CITY OF CAPE MAY, COUNTY OF CAPE MAY, STATE OF NEW JERSEY

ORDINANCE NO. 520-2023

AN ORDINANCE AMENDING CHAPTER 390 OF THE CITY CODE REGARDING PROPERTY MAINTENANCE TO INCLUDE REGULATION OF INVASIVE SPECIES

WHEREAS, Section 390 of the City of Cape May Municipal Code provides for regulation of property maintenance; and

WHEREAS, pursuant to Ordinance No. 482-2022, the City Council adopted an ordinance regulating planting and control of existing growth of invasive species; and

WHEREAS, the City Council of the City of Cape May has reviewed the matter and determined that it is appropriate to amend Section 390 of the Code to confirm the applicability of Section 390 to invasive bamboo commonly known as “running bamboo”.

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Cape May in the County of Cape May and State of New Jersey as follows:

SECTION 1. Section 390 of the Code of the City of Cape May is hereby amended as follows (with new language indicated in **bold/underline**):

Chapter 390 Property Maintenance

Article II – Invasive Species

§ 390-5. Definition of invasive plants.

All native and non-native vines and vegetation that grow out of place and are competitive, persistent, and pernicious. These plants may damage trees, vegetation, or structures. The following is the City’s List of Invasive and Nuisance Species:

1. Microstegium vimineum (Japanese stiltgrass)
2. Fatoua villosa (mulberry weed)
3. Ailanthus altissima (tree-of-heaven)
4. Ampelopsis glandulosa var. brevipedunculata (porcelain berry)
5. Celastrus orbiculatus (oriental bittersweet)
6. Elaeagnus umbellata, angustifolia and pungens (autumn olive, Russian olive and thorny olive)
7. Ligustrum sinense (Chinese privet)
8. Lonicera japonica (Japanese honeysuckle)

9. Hedera helix (English ivy)
10. Nandina domestica (Nandina/heavenly bamboo)
11. Imperata cylindrica (Cogon grass/Japanese blood grass)
12. Imperata cylindrica (Cogon grass/ Japanese Blood Grass)
- 13. Any species of what is commonly known as “running bamboo” (including but not limited to Arundinaria, Bambusa, Chimonobambusa, Dendrocalamus, Fargesia, Phyllostachys, Pleioblastus, Sasa, Sasaella, Semiarundinaria).**

The above list may be amended only by adoption of a further Ordinance.

§ 390-6. Control of existing growth.

Failure to control the spread of such vegetation beyond the boundaries of a resident's property is a violation of this chapter.

§ 390-7 No New Plantings.

No person, contractor, or property owner shall plant any species of tree or plant that appears on the City’s List of Invasive and Nuisance Species as set forth above in Section 390-5.

§ 390-8. Enforcement.

The Code Enforcement Officer shall be designated with enforcement of this section. All places and premises in the City of Cape May may be subject to inspection by the Code Enforcement Officer, however, an inspection may only be made of an alleged property if a neighboring property owner files a complaint alleging that any subsection of this Section has been violated.

§ 390-9. Violations and penalties.

- A. Whenever an invasive plant, as defined by this chapter, is found on any plot of land, lot or any other premises or place, prior to the issuance of a summons, a violation notice shall be given to the owner, in writing, directing removal or abatement within such time as shall be specified therein, taking into account the nature of the specific invasive species. The cost of abatement shall be borne by the property owner.
- B. If the owner fails to comply with such notice under Section A above and within the time specified therein for removal or abatement, the City may direct issuance of a summons based on a violation of this chapter. Violations of this chapter shall be further subject to the general penalty provisions of Chapter 1, Article III of the City Code, which includes the provisions under Section 1-21 that each and every day in which a violation continues to exist will constitute a separate violation.

SECTION 2. All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such conflict or inconsistency.

SECTION 3. Should any section, paragraph, sentence, clause or phase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect, and to this end the provisions of this Ordinance are hereby declared to be severable.

SECTION 4. This Ordinance shall become effective 20 days after final passage and publication, according to law.

ATTEST:

CITY OF CAPE MAY, a municipal corporation of the State of New Jersey

Erin C. Burke, City Clerk

BY: _____
Zachary M. Mullock, Mayor

NOTICE

Ordinance 520-2023 was introduced at a Regular meeting of the City Council of the City of Cape May, held on September 19, 2023 and was further considered for final passage during a Regular meeting of the City Council, held at the Cape May City Hall Auditorium, 643 Washington Street, Cape May, New Jersey, on October 17, 2023 at 5:00 P.M. at which time a Public Hearing was held.

Erin C. Burke, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain	Motion	Second
Yeager	X				X	
Meier	X					
McDade	X					
Baldwin	X					X
Mullock	X					

Introduced: September 19, 2023
 1st Publication: September 27, 2023
 2nd Reading & Adoption: October 17, 2023
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