

TOWNSHIP OF EAST BRUNSWICK

ORDINANCE NO: 24-18



ADOPTED: JULY 08, 2024

**AN ORDINANCE OF THE TOWNSHIP OF EAST BRUNSWICK, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, AMENDING CHAPTER 166, ENTITLED “PROPERTY MAINTENANCE CODE,” OF THE CODE OF THE TOWNSHIP OF EAST BRUNSWICK TO ADD PROVISIONS FOR BAMBOO REGULATIONS**

**WHEREAS**, the purpose of this article is to preserve and protect public and private properties within the Township of East Brunswick from the damaging spread of bamboo by prohibiting the planting, growing, maintaining, or cultivation of bamboo within the Township; and

**WHEREAS**, the planting and uncontrolled growth of bamboo is known to threaten other vegetation and endanger existing ecosystems and is disruptive to the general health and welfare of a community.

**NOW, THEREFORE, BE IT ORDAINED**, by the East Brunswick Township Council of the Township of East Brunswick as follows:

**SECTION 1.** Chapter 166 of the Code of the Township of East Brunswick is hereby amended to add, Section 20, thereof, entitled “Bamboo Regulations,” as follows:

[Add New]

**§ 166-20 Bamboo Regulations**

**§ 166-20.1 Definition**

The plant species commonly known as bamboo and shall include both running (monopodial) bamboo and clumping (sympodial) bamboo.

**§ 166-20.2 Planting, growth & cultivation of bamboo prohibited**

No owner, tenant, occupant or other person in possession or control of real property shall plant, grow, maintain or cultivate, or cause to plant, grow maintain or cultivate, bamboo upon any property located within the Township of East Brunswick, unless:

A. The root system of such bamboo plants is entirely contained within an above-ground-level planter, barrel or other container of such design, material and location so as to entirely prevent the spread or growth of the bamboo plants' root system beyond the container in which it is planted; and

B. The bamboo plants contained as described herein shall be located, trimmed and maintained so that no part of any plant shall be closer than 15 feet from any property line or right-of-way.

**§ 166-20.3 Compliance**

Whenever bamboo as defined by this section is found planted in the ground on any plot of land, lot or any other premises or place, or the Township Zoning/Code Enforcement Officer or the Mayor's designee determines that there is an encroachment of bamboo plants or roots onto the property of another or any public property, the Township Zoning/Code Enforcement Officer or the Mayor's designee shall forward a written notice of violation to the alleged offending property owner, tenant, occupant or other possessor (hereinafter, the "violator") which notice shall be substantially as follows:

- A. Any violations must be cured within 60 days from the date the notice of violation was issued.
- B. The violator must cure the violation, which consists of removal of entire bamboo root system from property and either discarding bamboo or relocating to a contained above ground-level planter, barrel or other container of such design, material and location so as to entirely prevent the spread or growth of the bamboo plants' root system beyond the container in which it is planted.
- C. Failure to affect such removal or containment within the time stated in said notice will result in such removal by a contractor hired by the Township of East Brunswick, and the cost of such removal will be charged to the owner or tenant. The cost of such removal shall forthwith become a lien upon the lands and shall be added to and become a part of the taxes next to be assessed and levied upon the same, to bear interest at the same rate and to be collected in the same manner as taxes, as hereinafter provided.

**§ 166-20.4 Violations and penalties**

Any person who shall violate subsection or who shall fail to comply with any notice issued pursuant to subsection shall, upon issuance of a summons to the property owner and/or tenant and conviction thereof, be punished by a fine of not less than \$250 and not greater than \$2,000.

**BE IT FURTHER ORDAINED**, that if any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect, and to this end the provisions of this ordinance are hereby declared severable.

**BE IT FURTHER ORDAINED**, that all other ordinances 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 ordinance of the Township, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Ordinances of the Township are hereby ratified and confirmed, except where inconsistent with the terms hereof.

This Ordinance shall take effect twenty (20) days after final passage, adoption and publication according to law.

Rejected

Approved

  
 Brad Cohen, Mayor

4/9/24  
 Date

Reconsidered by Council \_\_\_\_\_

Override Vote Yes \_\_\_ No \_\_\_

DATE OF ADOPTION: JULY 08, 2024

  
Kevin McEvoy, Council President

  
Tamar Lawful, Municipal Clerk

RECORDED VOTE OF COUNCIL ON FINAL PASSAGE						
Council Members	Motion	Second	Yes	No	Abstain	Absent
Behal			X			
Wendell	X		X			
Winston		X	X			
Zimbicki			X			
McEvoy			X			

