

**TOWNSHIP OF FAIRFIELD
ORDINANCE #2024-08**

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 11 “PROPERTY MAINTENANCE” WITH NEW SECTION 11-8: “BAMBOO PROHIBITED/REGULATED” TO PROHIBIT THE FUTURE PLANTING AND REGULATE THE EXISTING PLANTINGS OF INVASIVE RUNNING BAMBOO WITHIN THE TOWNSHIP OF FAIRFIELD

WHEREAS, the Governing Body of the Township of Fairfield (“Governing Body”) desires to amend the sections of the Zoning Ordinance to preserve and protect public and private property within the Township of Fairfield from the damaging spread of bamboo, a non-native invasive plant, 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; and

WHEREAS, the Township seeks to prohibit any new plantings of invasive running bamboo, and to establish standards to govern existing plantings of invasive running bamboo, as may be herein permitted, to better protect native species and surrounding property owners;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Township Council of the Township of Fairfield, County of Essex, State of New Jersey, as follows:

SECTION 1. Chapter 11 entitled “Property Maintenance” of the Revised General Ordinances of the Township of Fairfield is hereby supplemented with *new* Section 11-8 entitled “Bamboo Prohibited/Regulated” as follows:

CHAPTER 11: “PROPERTY MAINTENANCE”

* * *

§ 11-8 BAMBOO PROHIBITED/REGULATED

§ 11-8.1 Purpose and Intent.

The purpose of this Section is to preserve and protect private and public property from the damaging spread of invasive running bamboo and to protect native plants and the wildlife they support from the spread of invasive running bamboo from any neighboring property line.

§ 11-8.2 Definitions.

As used in this Chapter, the following terms shall have the meanings indicated:

Running Bamboo – Any monopodial (running) woody grass from the genera of bamboos including, but not limited to, *Bambusa*, *Phyllostachys* and *Pseudosasa*, as well as common bamboo, golden bamboo and arrow bamboo.

Property Owner(s) – Any property owner(s) or tenant(s) who, or which, have Running Bamboo or Invasive Plants on their property, even if the Bamboo or Invasive Plant has spread onto their property from an adjoining property.

Buffer Zone – A distance of at least five (5) feet from any street (NOTE: The definition of “street” in the Township Code includes a lane and road), whether public or private, or from any neighboring property, ,

subject to any other buffer restrictions under local, State or federal law.

Township – The Township of Fairfield, Essex County, New Jersey.

Enforcement Officer – The Code Enforcement Officer or any other Township official as may be designated by Resolution of the Mayor & Council of the Township of Fairfield, Essex County, New Jersey.

Notice – Any written notice by, from or on behalf of the Township, notifying the Property Owner(s) that they are in violation of this Section and directing them to cure or fix the violation. Such Notice shall be sent by certified mail, return receipt requested, addressed to the owner(s) listed on the current tax record on file with the Township. If such certified mail is returned, then service may be affected by posting such notice upon the property in question.

Receipt of Notice – Receipt of the Notice required herein shall be the date of mailing said Notice, or, if applicable, posting of the Notice on the property in question, whichever is later.

§ 11-8.3 *Bamboo.*

a. *No Planting of Running Bamboo.*

1. The planting of Running Bamboo is prohibited within the Borough.
2. Any existing Running Bamboo may not be replanted or replaced after any such existing Running Bamboo has died or been removed.
3. Any person who plants or replants Running Bamboo within the Township limits after the effective date of this Section shall be in violation of this Section and shall be subject to the penalties set forth herein, subject to the following exceptions:
 - (a) The root system of such Running Bamboo is entirely contained within an above ground planter and located so as to entirely prevent the spread or growth of the plants' root system beyond the container in which it is planted; or
 - (b) The root system is contained within a barrier, constructed in accordance with the following specifications:
 - i. The barrier itself shall be composed of a high-density polypropylene or polyethylene, with a minimum thickness of 60 mil (or 1/16 of an inch);
 - ii. Each portion of the barrier shall be joined together by the use of stainless-steel strips or clamps;
 - iii. The barrier shall be a minimum of 30 inches deep, with 2-3 inches of the barrier protruding above ground level around the entire perimeter of the bamboo;
 - iv. When installed, the barrier shall slant outward from the bottom to top.
 - (c) Whether planted or growing in a container, as described herein, all bamboo plants shall be located, trimmed and maintained so that no part of the plant shall be closer than five (5) feet from any property line.

b. *Regulation of Existing Running Bamboo.*

1. Any Running Bamboo already in existence on any property within the Township limits as of the

effective date of this Section, may remain on such property, provided that Running Bamboo shall not be permitted within any Buffer Zone.

2. Property Owner(s) shall take all necessary measures to ensure that any Running Bamboo on their property does not exist within any Buffer Zone. Such measure shall include, but are not limited to, cutting down Running Bamboo existing in the Buffer Zone and physically removing or poisoning the rhizomes or spraying any regrowth for several years until the Running Bamboo is dead and, if Running Bamboo is permitted to remain outside the Buffer Zone, installing sheathing comprised of high density polypropylene or polyethylene and placed no less than five (5) feet from the property line at a sufficient depth to prevent any growth of Running Bamboo within any Buffer Zone.
 3. This Section shall not be deemed to alter any rights at common law or otherwise that any property owner may have to recover the cost of removal of Running Bamboo on their own property from another property owner from whose property the Running Bamboo has spread.
- c. *Removal of Running Bamboo.*
If Running Bamboo on any property grows in or into any Buffer Zone, the Township shall give Notice to the Property Owner(s), as required by this Section, that the said Property Owner(s) are responsible for the extermination or removal of such Running Bamboo from the Buffer Zone.
- d. *Inspection.*
All properties within the Township shall be subject to inspection by the Enforcement Officer to determine compliance with this Section as provided by law.
- e. *Enforcement, Violations and Penalties.*
1. Whenever Running Bamboo is found planted in the ground on any plot of land, lot or any other premises or place in contravention of the provisions of this Section, a Notice shall be given to the Property Owner(s), providing thirty (30) days to remove or abate the same.
 2. The cost of the removal or abatement shall be borne by the Property Owner(s).
 3. If the Property Owner(s) fail(s) to comply with such notice, the Township is hereby authorized to remove or have removed any bamboo encroaching beyond the boundaries of a property and within any Buffer Zone on the property from which the bamboo emanated, and to take all reasonable steps to eradicate the regrowth of the bamboo beyond the boundaries of the property and within any Buffer Zone on the property from which the bamboo emanated, and to restore the land to the condition in which it existed prior to such removal and eradication, all at the cost and expense of the property owner from whose property the bamboo emanated. Upon such removal, the payment and collection of the amounts charged shall immediately become due and payable to the Township. If the owner of the property fails to pay such amounts, the same shall become a lien on the property of such owner and shall bear interest in the same manner as is charged on unpaid taxes. Such unpaid amounts shall be deemed, for the purpose of collection thereof, a tax upon such real estate to be added to and become a part of the taxes next to be levied and assessed against that real estate. Such tax shall be enforced and collected with interest by the same officer and in the same manner as all other municipal taxes.
 4. In the event that the Township of Fairfield shall cause bamboo to be removed, the owner of the property from which the bamboo emanated shall indemnify and hold harmless the Township of Fairfield and its officers and employees from and against all liability, including loss, damage, costs, attorneys' fees, causes of action, claims and/or judgments arising from said bamboo removal and restoration of the property. For the sole purpose of this section and for no other purpose, the owner or developer shall be deemed to have appointed the Township of Fairfield as

Introduced: 05-28-2024
Adopted: 06-24-2024

the owner's or developer's agent should the Township cause bamboo to be removed from such owner's or developer's property.


5. Any violation of the provisions of this article shall constitute a violation punishable as provided in Chapter 1, § 1-5, General Penalty, of the Code of the Township of Fairfield..

SECTION 2. All actions of the Township taken prior to the date of adoption hereof contemplated by this Ordinance are hereby ratified and approved.


SECTION 3. If any section, paragraph, subsection, clause or provision of this Ordinance shall be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any remaining part thereof.

SECTION 4. All Ordinances or parts of Ordinances of the Township of Fairfield heretofore adopted that are inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 5. This Ordinance shall take effect immediately upon its final passage, approval and publication as provided by law.




William Galese, Mayor

ATTEST:


Denise D. Cafone, Municipal Clerk

NOTICE

"NOTICE is hereby given that the foregoing Ordinance was introduced and passed upon First Reading at a Meeting of the Mayor and Council of the Township of Fairfield on May 28, 2024 Said ordinance shall have a second Reading and Public Hearing and be considered for final adoption at a meeting of said Governing Body to be held on June 24, 2024 at 7:00 p.m. in the Township Municipal Building, 230 Fairfield Road, Fairfield, N.J."



Denise D. Cafone
Municipal Clerk

Introduced: 05-28-2024
 Adopted: 06-24-2024

INTRODUCTION OF ORDINANCE –

ORDINANCE #2024-08 ~ AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 11 “PROPERTY MAINTENANCE” WITH NEW SECTION 11-8: “BAMBOO PROHIBITED/REGULATED” TO PROHIBIT THE FUTURE PLANTING AND REGULATE THE EXISTING PLANTINGS OF INVASIVE RUNNING BAMBOO WITHIN THE TOWNSHIP OF FAIRFIELD

INTRODUCED BY: Councilman Campisi
 SECONDED BY: Councilman McGlynn
 PUBLISHED: June 6, 2024

ROLL CALL VOTE

GOVERNING BODY	AYES	NAYS	ABSTAIN	ABSENT	NOT VOTING
COUNCIL PRESIDENT JOSEPH CIFELLI	X				
COUNCILMAN JOHN LAFORGIA	X				
COUNCILMAN MICHAEL B MCGLYNN	X				
COUNCILMAN PETER CAMPISI	X				
MAYOR WILLIAM GALESE	X				

2ND READING AND PUBLIC HEARING – JUNE 24, 2024

INTRODUCED BY: Council President Cifelli
 SECONDED BY: Councilman LaForgia
 PUBLISHED: June 27, 2024

ROLL CALL VOTE

GOVERNING BODY	AYES	NAYS	ABSTAIN	ABSENT	NOT VOTING
COUNCIL PRESIDENT JOSEPH CIFELLI	X				
COUNCILMAN JOHN LAFORGIA	X				
COUNCILMAN MICHAEL B. MCGLYNN	X				
COUNCILMAN PETER CAMPISI				X	
MAYOR WILLIAM GALESE	X				