

**TOWNSHIP OF JEFFERSON
COUNTY OF MORRIS, NJ**

ORDINANCE #24-19

“ORDINANCE, RESTRICTING THE MAINTENANCE OF INVASIVE PLANT AND TREE SPECIES AND CREATING CHAPTER 492”

WHEREAS, the Township of Jefferson’s has determined that certain native and non-native vines and vegetation that grow out of place and are competitive, persistent and pernicious, and trees which are native or non-native to this country or region of the country, whose vines produce chemicals that prevent the growth of other plants and serve as a primary food source to an invasive species of insects can be damaging to the Township’s natural environment, including damaging to other native plants and trees, vegetation and/or structures;

WHEREAS, property owners within the Township sometimes find that invasive plants and tree species from neighboring properties encroach their own property creating damage to their plants and trees; and

WHEREAS, the Township of Jefferson has determined that it is necessary and appropriate to place certain restrictions on invasive plants and tree species growing within the Township.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Jefferson, County of Morris, State of New Jersey, to amend the Jefferson Township Municipal Code as follows:

CHAPTER 492 – The Maintenance of Invasive Plant and Tree Species

SECTION I

§492.1. Purpose.

The purpose of this section is to promote and protect the public health and property through the control of the growth of invasive plant species and trees.

§492.2. Definitions.

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

INVASIVE PLANT SPECIES AND TREES

All native and nonnative vines and vegetation that grow out of place and are competitive, persistent and pernicious, or trees which are native or nonnative to this country or region of the country, whose vines produce chemicals that prevent the growth of other plants and serve as a primary food source to an invasive species of insects. These plants and trees may damage other trees, vegetation or structures. Examples include, but are not limited to:

- A. Bamboo (spreading or running type), including any bamboo in the genus *Phyllostachys*, including *Phyllostachys aureosulcata*;
- B. Ragweed;
- C. Oriental Bittersweet;
- D. English/Boston Ivy;
- E. Japanese knotweed; and
- F. *Ailanthus altissima* tree (a.k.a. the “Tree of Heaven”).

§492.3. Control of growth. All persons must control the growth of invasive plant species and trees and keep them at least twenty-five (25) feet from the boundaries of their property line. Failure to control the spread of such vegetation and trees beyond the twenty-five (25) foot buffer from boundaries of a resident’s property is a violation of this section.

§492.4. Inspections. All places and premises in the Township of Jefferson shall be subject to inspection by the enforcing officer. For purposes of this section, the enforcing officer shall be the Code Enforcement Officer, Health Department and Forrester. Such inspections shall be performed by the Code Enforcement Officer, Health Officer, or Forrester. Such inspection shall be made if there is reason to believe that any subsection of this section is being violated, they receive a report or other information, or they observe a violation in their normal course of duties.

§492.5. Enforcement. Wherever invasive plant species or trees are found on any plot of land, lot or any other premises or place, and is found to lack appropriate physical barriers to prevent the spread or growth of the species, or is found to have spread beyond the twenty-five (25) foot buffer from boundaries of a property, a violation, in writing, shall be given by the inspector to the owner of the property from which the invasive plant species or trees have spread, directing the owner to remove or abate the same within such time as shall be specified therein. The violation shall be served upon the property owner of record by regular and certified mail or by personal service.

In the event a property owner fails to correct a notice of violation within the time specified in the notice of violation, the Township may, but is not obligated to, thereafter enter upon the property and remove or abate the invasive plant species or trees. The property owner shall be responsible for all costs incurred by the Township in correcting the violation and bringing the property into compliance. The Township may also place a municipal lien against the property for all costs incurred by the Township in bringing the property into compliance. The amount of the lien shall be authorized by resolution adopted by the Township Council, and shall be added to and become a part of the taxes next to be assessed and levied upon the property, shall bear interest at the same rate as taxes, and shall be collected and enforced by the same officer and in the same manner as taxes. Costs shall be in addition to any penalties imposed for any violation of this section.

§492.6. Violations and penalties.

- A. Any person violating the provisions of this chapter shall be subject to the violations and penalties set forth herein.
- B. Any person violating the provisions of this chapter shall, upon conviction, be punishable by a fine of not more than \$1,000 and/or community service as determined by the Municipal Court. The continuation of such violation for each successive day shall constitute a separate offense.
- C. In addition to the penalties set forth herein, any person who violates the provisions of this section shall be liable for the cost of removal of the invasive plant species or trees extending beyond the twenty-five (25) foot buffer established herein from the property line of their property, as well as the repair and replacement of any property damaged by the invasive plant or tree species.

§492.7. New plantings of invasive plant species.

All new in-ground plantings of invasive plant species or trees are strictly prohibited. Property owners are encouraged to immediately remove all existing plantings of invasive plant species or trees but, if not removed, must contain all invasive plant species or trees by appropriate physical barriers to prevent the growth or spread of existing invasive plant or tree species beyond twenty-five (25) foot buffer established herein from the boundaries of a resident's property.

SECTION II

All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistencies.

SECTION III

If any article, section, subsection, paragraphs, phrase or sentence is, for any reason, held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase or sentence shall be deemed severable.

SECTION IV

This Ordinance shall take effect immediately upon final publication as provided by law.

INTRODUCED: August 14, 2024

ADOPTED: September 4, 2024