

BOROUGH OF LINDENWOLD

ORDINANCE NO. 2024-17

**AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF LINDENWOLD
CHAPTER 240-10 (“MAINTENANCE OF EXTERIOR PREMISES AND BUILDINGS”)**

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF LINDENWOLD, COUNTY OF CAMDEN, STATE OF NEW JERSEY, AS FOLLOWS:

SECTION 1. Purpose and Intent. The amendment(s) set forth herein shall serve the purpose of establishing reasonable and impartial regulations with regard to bamboo and other invasive plants within the Borough of Lindenwold.

SECTION 2. Amendment(s). The Code of the Borough of Lindenwold at Chapter 240-10 (“Maintenance of Exterior Premises and Buildings”) is hereby amended so as to include a new sub-paragraph G, to be entitled “Invasive Plants,” which Article shall read as follows:

§ 240-10 (G) Invasive Plants.

1. As used in this section, “running bamboo” means any bamboo in the genus *Phyllostachys*, including *Phyllostachys aureosulcata*, and shall include all species of invasive spreading bamboo. Invasive plants shall include, but not be limited to, ragweed, multiflora rose, kudzu-vine, poison ivy, and all other native and non-native vines and vegetation that grow out of place and are competitive, persistent, and pernicious.
2. No person shall plant running bamboo within the boundaries of the Borough of Lindenwold unless that person is a landscape architect licensed pursuant to P.L.1983, c.337 (C.45:3A-1 et al.) or a home improvement contractor registered with the Division of Consumer Affairs in the Department of Law and Public Safety pursuant to P.L.2004, c.16 (C.56:8-136 et seq.), or an employee or contractor of a licensed landscape architect or registered home improvement contractor, and the person plants the running bamboo in compliance with the requirements of this section.
3. A licensed landscape architect or registered home improvement contractor, or employee or contractor thereof, shall not plant running bamboo on any property within 100 feet of the property boundary line or a public right-of-way unless: (a) the running bamboo is contained by a properly constructed barrier system that prevents the spread of roots underground; or (b) the running bamboo is planted above ground in a container or planter so that it is contained and does not come into contact with the surrounding soil.
4. The owner of any property located within the Borough of Lindenwold, including any agent thereof, shall not permit to exist running bamboo on their property within 100 feet of the property boundary line or a public right-of-way unless: (a) the running bamboo is contained by a properly constructed barrier system that prevents the spread of roots underground; or (b) the running bamboo is planted above ground in a container or planter so that it is contained and does not come into contact with the surrounding soil.

5. The owner of any property located within the Borough of Lindenwold, including any agent thereof, upon which running bamboo exists, or is otherwise planted pursuant to this section, including any subsequent purchaser of the property or person who takes possession of the property pursuant to a foreclosure or other legal action, shall be responsible for maintaining the running bamboo on their property in compliance with subsection 3. and 4. of this section. Any property owner who fails to properly maintain, or otherwise contain, the running bamboo on their property in compliance with this section shall be liable for all damages caused to any adjacent property by the running bamboo, including, but not limited to, the cost of removal of any running bamboo that grows on the adjacent property.

6. If the spread of running bamboo onto an adjacent property is the result of improper planting of the bamboo by a licensed landscape architect or registered home improvement contractor, in violation of subsection 3. of this section, the person who owns the property on which the running bamboo was planted, and who is being held liable for damages to the adjacent property, may seek indemnification from the licensed landscape architect or registered home improvement contractor.

7. All invasive plants must be maintained and kept at a distance of at least 100 feet of the property boundary line or any public right-of-way, with the exception of running bamboo which complies with requirements of subsection 3. and 4.

8. Any person, including any property owner failing to maintain running bamboo on their property in conformity with subsection 3. or 4. of this section, who violates this section shall be subject to a fine, as set forth in Section 1-1 of the Municipal Code of the Borough of Lindenwold. If the violation is of a continuing nature, each day during which it continues shall constitute a separate and distinct offense, subjecting the liable party to a fine for each day the violation continues.

SECTION 3. Repealer. Any and all other ordinances inconsistent with any of the terms and provisions of this ordinance are hereby repealed to the extent of such inconsistencies.

SECTION 4. Severability. In the event that any section paragraph, clause phrase, term, provision or part of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid or unenforceable for any reason, such judgment shall not effect, impair or invalidate the remainder thereof, but shall be confined in its operation to the section, paragraph, clause, term, provision or part thereof directly involved in the controversy in such judgment shall be rendered.

SECTION 5. Effective Date. This ordinance shall take effect upon final passage and publication as provided by law.

INTRODUCED: June 12, 2024

ADOPTED: July 10, 2024

BOROUGH OF LINDENWOLD:

Richard E. Roach, Jr., Mayor

ATTEST:

Nadeen C. Randall, CMR
Acting Borough Clerk