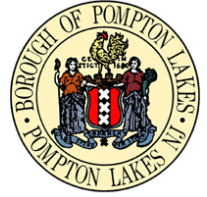


# BOROUGH OF POMPTON LAKES PASSAIC COUNTY, NEW JERSEY



## ORDINANCE NO. 24-28

### AN ORDINANCE AMENDING CHAPTER 9 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF POMPTON LAKES REGULATING THE PLANTING OF BAMBOO WITHIN THE BOROUGH

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**BE IT ORDAINED** by the Borough Council of the Borough of Pompton Lakes, in the County of Passaic and State of New Jersey, as follows:

**Section 1.** The Chapter 9, "Environmental Regulations," of the Revised General Ordinances of the Borough of Pompton Lakes shall be amended by the inclusion of new Article V which shall be entitled "Bamboo" and shall read, in its entirety, as follows:

#### **Article V Bamboo**

#### **§ 9-5. BAMBOO.**

#### **§ 9-5.1. Purpose and Intent.**

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

#### **§ 9-5.2. Definitions.**

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

**NOTICE** — Any written notice by, from or on behalf of the Borough, notifying the running bamboo 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 address on file with the Borough. A copy may also be posted on the property in question.

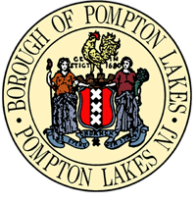
**RECEIPT OF NOTICE** — Receipt of the notice required herein shall be the date of mailing said notice, or, if applicable, posting of the notice on the property in question, whichever is earlier.

**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.

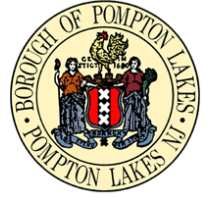
**RUNNING BAMBOO PROPERTY OWNER(S)** — Any property owner(s) or tenant(s) who, or which, have running bamboo on their property, even if the bamboo has spread onto their property from an adjoining property.

#### **§ 9-5.3. No Planting of Running Bamboo.**

- a. The planting of running bamboo is prohibited in the Borough of Pompton Lakes.
- b. Any existing running bamboo may not be replanted or replaced after any such existing running bamboo has died or been removed.



# BOROUGH OF POMPTON LAKES PASSAIC COUNTY, NEW JERSEY



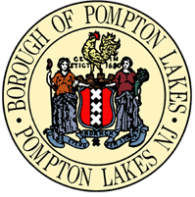
- c. Any person who plants or replants running bamboo within the Borough limits after the effective date of this section shall be in violation of this section and shall be subject to the penalties set forth herein, subject to the following exceptions:
  1. The root system of such running bamboo is entirely contained within an above ground planter and located so as to entirely prevent the spread or growth of the bamboo plants' root system beyond the container in which it is planted; or
  2. The root system is contained within a barrier, constructed in accordance with the following specifications:
    - (a) The barrier itself shall be composed of a high-density polypropylene or polyethylene, with a minimum thickness of 40 mm;
    - (b) Each portion of the barrier shall be joined together by the use of stainless-steel strips or clamps;
    - (c) The barrier shall be a minimum of 30 inches deep, with two-three inches of the barrier protruding above ground level around the entire perimeter of the bamboo;
    - (d) When installed, the barrier shall slant outward from the bottom to top.
  3. 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 10 feet from any property line.

#### **§ 9-5.4. Regulation of and Limitations on Existing Running Bamboo.**

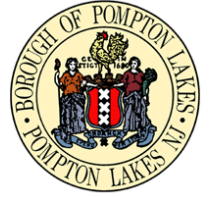
- a. If running bamboo is located upon any property within the Borough prior to the effective date of this section, the running bamboo property owner shall be required to confine the running bamboo to prevent encroachment, spread, invasion or intrusion of same onto any other private or public property or public right-of-way. In lieu of confining the species, the running bamboo property owner may elect to totally remove the running bamboo from the property and all affected properties. Failure to properly confine such running bamboo shall require removal as set forth below. The cost of said removal shall be at the running bamboo property owner's expense. This duty to confine shall not apply if the running bamboo property owner can establish to the satisfaction of the Property Maintenance Officer that the running bamboo on the property at the time of the effective date of this section originated on another property.
- b. 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.

#### **§ 9-5.5. Removal of Running Bamboo.**

- a. Whenever running bamboo as defined by this section is found planted in the ground on any plot of land, lot or any other premises or place, in violation of this section, the Property Maintenance Officer shall issue a written notice of violation to the running bamboo property owner, giving said owner 10 days to abate same.
- b. The cost of the abatement shall be borne by the running bamboo property owner.
- c. The failure to comply with such notice shall be a violation of this Chapter and the owner shall be subject to penalties as provided for in Chapter 1-5 of the Code of the Borough of Pompton Lakes.
- d. If the running bamboo property owner does not comply with the written notice, the Borough, at its discretion, may remove or otherwise control, or contract for same, the running bamboo



# BOROUGH OF POMPTON LAKES PASSAIC COUNTY, NEW JERSEY



and thereafter recover the cost of such removal from the running bamboo property owner and place a lien on the property to recover the cost of the removal.

## § 9-5.6. Inspection.

All places and premises in the Borough of Pompton Lakes shall be subject to inspection by the Property Maintenance Officer to determine compliance with this section.

**Section 2.** All ordinances or parts of ordinances or resolutions that are in conflict with the provisions of this Ordinance are repealed to the extent necessary.

**Section 3.** If any article, section, subsection, term, or condition of this Ordinance is declared invalid or illegal for any reason, the balance of the Ordinance shall be deemed severable and shall remain in full force and effect.

**Section 4.** This Ordinance shall take effect after approval of the Mayor or in accordance with law and publication and passage according to law.

Approved:

\_\_\_\_\_  
Elizabeth Brandsness  
Municipal Clerk

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Michael Serra, Mayor

### NOTICE OF PENDING ORDINANCE:

**NOTICE IS HEREBY GIVEN**, that the above Ordinance was introduced and passed on first reading at the regular meeting of the Mayor and Borough Council of the Borough of Pompton Lakes, County of Passaic, State of New Jersey held in the Municipal Building on the 12th day of June, 2024, and the same came up for final passage at the regular meeting of the Mayor and Borough Council held on the 26th day of June, 2024, at which time, after persons interested were given the opportunity to be heard concerning said Ordinance, the same was passed and will be in full force and effect in the Borough of Pompton Lakes after approval by the Mayor or in accordance with law.

Elizabeth Brandsness, R.M.C.  
Municipal Clerk