

BOROUGH OF WESTWOOD
NOTICE

NOTICE IS HEREBY GIVEN that the following Ordinance was introduced and passed on first reading at a regular meeting of the Mayor and Council on the 16th day of July, 2024, and that said Ordinance will be taken up for further consideration for final passage at a regular meeting of the Mayor and Council to be held on the 13th day of August, 2024 at 7:30 p.m. or as soon thereafter as said matter can be reached, at which time and place all persons who may be interested therein will be given an opportunity to be heard concerning same.

Jean-Marie Vadovic, Borough Clerk
Borough of Westwood

Ordinance #24 - 20
An Ordinance Establishing Chapter 121 Bushes and Shrubs

BE IT ORDAINED by the Mayor and Council of the Borough of Westwood that Chapter 121, Bushes and Shrubs, is hereby established:

Section 1. New:

§ 121-1 Bamboo.

This section is adopted to control the planting, cultivating and/or growing of bamboo in the Borough of Westwood and to require barriers to prevent the spread of existing bamboo into other areas of the Borough.

A. Regulation of the planting, growing or cultivating of bamboo. Subject to certain exemptions set forth in this section, no persons, residents, citizens, property owners and/or tenants of the Borough shall plant, cultivate, or cause to grow, any bamboo on any lot and/or parcel of ground anywhere within the geographic boundaries of the Borough of Westwood, except for:

(1) Where the root system of such bamboo plants is entirely contained within an above-ground-level planter, barrel, or other vessel of such design, material and location as to entirely prevent the spread of growth of the bamboo plants' root system beyond the container beyond which it is planted.

(2) 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.

B. Exemptions. This section shall not apply to any landowner who, prior to the effective date of the ordinance adopting this section, has bamboo on any property. Notwithstanding the foregoing, no portion of such bamboo shall be permitted to grow upon, extend roots across, or extend branches, stalks or leaves over any public way or any private property not owned by or in the

possession of such landowner or any possessor of said land. If such occurs, the provisions of Subsection C shall apply.

C. Complaint notice; order for removal and compliance. Whenever a complaint is received by the Borough regarding the encroachment of any bamboo plant or root, or whenever the Borough, on its own observations and inspections, determines that there is an encroachment of bamboo plants or roots onto the property of another landowner, or tenant in possession of such property, or both, the Borough shall cause notice to be served on the offending landowner and on any tenant in possession of such property if known to the Borough, and the following actions occur:

(1) The notice shall be mailed by certified mail, return receipt requested, properly addressed and with sufficient postage, and also by first-class mail. Notice by certified mail shall be deemed complete on the date of personal delivery, or the date the certified mail is marked refused or unclaimed or otherwise undeliverable by the United States Post Office. First-class mail shall be deemed delivered within five calendar days of its being mailed by the Borough.

(2) The notice shall specify the nature of the violation(s).

(3) The notice shall state that the violation(s) must be corrected within 30 calendar days from the date of the received or returned mailing.

(4) The notice shall state specifically what must be done by the responsible party to correct the violation(s).

D. Penalties.

(1) Any person determined by any court of competent jurisdiction to have violated this section shall be subject, on conviction for a first offense under this section, to pay a fine of not less than \$25 per day nor more than \$100 per day, for each day the violation exists after the date for removal as set forth in the notice which was served on the violator. Each day of a continuing violation shall constitute a separate offense, for which an additional fine can be levied.

(2) Any person who shall violate any of the provisions of this section, on conviction of a second or further offense under this section, shall be punishable as provided in § 1-1 of Chapter 1, General Provisions. Each day that such violation shall continue shall constitute a separate offense.

(3) If a violation is not remedied within the time set forth in the aforesaid notice, the Borough is hereby authorized to remove or have removed any encroaching bamboo and to take all reasonable steps to eradicate the regrowth of the bamboo on the public rights-of-way, including sidewalks, and to restore such land to its normal condition, prior to such removal and eradication.

(4) The cost of the corrective action, together with any civil penalties, legal fees and other costs, shall be recoverable from the offending party.

E. Enforcement. The provisions of this section shall be enforceable by the Police Department, Code Enforcement Official, as well as by any other individual who observes a violation and wishes to file a complaint. Any person seeking to enforce the provisions of this section shall be authorized to file a complaint in the Municipal Court of the Borough of Westwood.

Section 2. If any section, subsection, paragraph, sentence or any other part of this ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance.

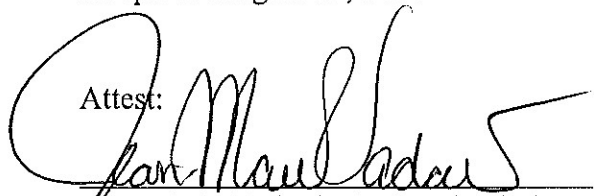
Section 3. All ordinances or parts of ordinances which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

Section 4. If any section, subsection, part, clause or phrase of this Ordinance shall be declared invalid by judgment of any court of competent jurisdiction, such section, subsection, part, clause or phrase shall be deemed to be severable from the remainder of this Ordinance.

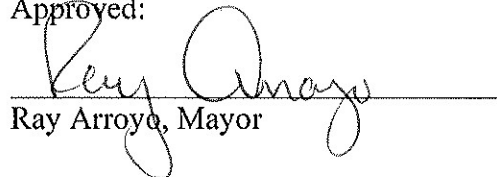
Section 5. This Ordinance shall take effect immediately upon final passage and publication as required by law.

Adopted: August 13, 2024

Attest:


Jean-Marie Vadovic, Borough Clerk

Approved:


Ray Arroyo, Mayor