

**TOWNSHIP OF LONG HILL
ORDINANCE 480-21
REGULATING BAMBOO AND SUPPLEMENTING AND AMENDING CHAPTER XVI OF THE
TOWNSHIP CODE ENTITLED "PROPERTY MAINTENANCE"**

WHEREAS, running bamboo can invade neighboring properties and damage adjoining sidewalks and roadways in the right-of-way; and

WHEREAS, the Township seeks to prohibit new plantings of running bamboo and to establish standards to govern existing plantings of running bamboo to better protect native species and surrounding property owners;

NOW THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Long Hill in the County of Morris, State of New Jersey, that Chapter XVI of the Township Code entitled "Property Maintenance" is hereby supplemented and amended as follows:

Section 1. There is hereby created a new section 16-9 entitled "Bamboo" which reads as follows:

"16-9 BAMBOO

16-9.1 Purpose.

The purpose of this chapter is to protect and promote the public health through the control of the growth of running bamboo-type species.

16-9.2 Definitions.

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

Running Bamboo means any bamboo in the genus *Phyllostachys*, including *Phyllostachys Aureosulchea* or any monopodial bamboo.

16-9.3 Prohibition.

No owner, tenant, or occupant of any property or person, corporation or other entity, shall plant, install, or cause or permit the planting or installation of any running bamboo upon any property located within the Township of Long Hill.

16-9.4 Control of growth and duty to confine.

All persons must control the growth of existing running bamboo. Failure to control the spread of such vegetation beyond the boundaries of a resident's property is a violation of this chapter. In the event any running bamboo is located upon any property within the Township of Long Hill prior to the effective date of this prohibition, the owner and occupant of said property shall jointly and severally be required to confine such species to prevent the 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 property owner or occupant 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 property owner's expense.

16-9.5 Inspections.

All places and premises in the Township of Long Hill shall be subject to inspection by the Township Code Enforcement Officer or his or her designee. An inspection shall only be made if that official has received a written complaint from a neighboring property owner asserting that the provisions of this chapter have been violated.

16-9.6 Removal or abatement.

- A. In the event running bamboo is present on and after the date of adoption of this chapter and a complaint is received by the Township regarding an encroachment of any running bamboo, and the Code Enforcement Officer of the Township or his or her designee, after observation and/or inspection, determines that there is an encroachment or invasion on any adjoining/neighboring private or public property or public right-of-way (hereinafter "the affected property"), the Township shall serve notice to the running bamboo property owner in writing that the running bamboo has invaded other private or public property(ies) or public right(s)-of-way and demand the removal of the running bamboo from the affected property and demand approved confinement against future encroachment or, in the alternative, the total removal from the property owner's property. Notice shall be provided to the running bamboo property owner, as well as to the owner of the affected property, by certified, return receipt requested mail and regular mail. Within 30 days of receipt of such notice, the running bamboo property owner shall submit to the Code Enforcement Officer of the Township or his or her designee, with a copy to the owner of the affected property, a plan for the removal of the running bamboo from the affected property, which plan shall include restoration of the affected property after removal. Within 90 days of receipt of the Code Enforcement Officer's approval of the plan of removal and restoration, the removal and restoration shall be completed to the satisfaction of the Code Enforcement Officer.
- B. The cost of abatement and/or removal shall be borne by the running bamboo property owner.
- C. If the running bamboo property owner fails to comply with such notice within the time specified therein, the enforcing official may remove or otherwise control the running bamboo species and the Township may thereafter recover the cost of such removal from the property owner and place a lien on the subject real property for purposes of recovering the cost of the running bamboo removal.

16-9.7 Violations and penalties.

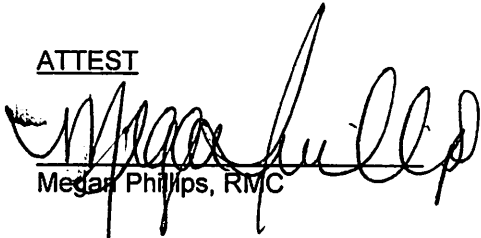
- A. Any person violating any section of this chapter shall, upon conviction thereof, be liable to the penalties set forth in § 1-5 of this Code. Each and every day a violation of this section shall exist shall constitute a separate violation. In addition, the Code Enforcement Officer or his or her designee may request and the Municipal Court may grant a specific performance remedy.
- B. Nothing herein shall be interpreted as limiting the rights of a private property owner to seek civil relief through a court of proper jurisdiction, nor the institution of civil proceedings against the proper parties.”

Section 2. Any and all other ordinances or parts thereof in conflict or inconsistent with any of the terms hereof are hereby repealed to such extent as they are so in conflict or inconsistent.

Section 3. In case any article, section or provision of this ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect any other article, section or provision of this ordinance except insofar as the article, section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 4. This ordinance shall take effect immediately upon final passage and publication as required by law.

ATTEST


Megan Phillips, RMC


Guy Piserchia, Mayor

First Reading and Introduction: September 22, 2021
1st Publication: Echoes Sentinel September 30, 2021
Second Reading and Adoption: October 27, 2021
2nd Publication: Echoes Sentinel November 4, 2021