

ORDINANCE 2018-10

ORDINANCE OF THE BOROUGH OF BAY HEAD, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING THE BOROUGH CODE OF THE BOROUGH OF BAY HEAD, SO AS TO CREATE CHAPTER 134 OF THE BOROUGH CODE ENTITLED, “INVASIVE PLANT SPECIES.”

BE IT ORDAINED, by the governing body of the Borough of Bay Head, County of Ocean, State of New Jersey, as follows:

SECTION I. The Borough Code of the Borough of Bay Head is hereby amended and supplemented so as to create Chapter 134, entitled “Invasive Plant Species,” so as to read in its entirety as follows:

INVASIVE PLANT SPECIES

§ 134-1. Purpose.

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

§ 134-2. Definition

As used in this chapter, the following term shall have the meaning indicated:

INVASIVE PLANTS – means vegetation which, by its nature, grows beyond the property of its owner, and causes a neighboring property owner potential hardship due to the vegetation being overly competitive, poisonous, allergenic, illegal by State statute, or hazardous to the neighboring property’s structures and facilities is deemed to be “invasive” for the purposes of this ordinance.

The most widespread examples are Garlic mustard, Japanese knotweed, autumn olive, multiflora rose, Japanese barberry and for the purposes of this ordinance, bamboo. More recent emerging examples are Yellow iris, English ivy, Siebold’s viburnum, kudzu, porcelainberry, wisteria, butterfly bush.

§ 134-3. Control of growth.

All persons must control the growth of invasive plants. Failure to control significant spread of such vegetation beyond the boundaries of a resident’s property is a violation of this chapter. Spread is significant when the plant’s roots grow beyond the boundaries of your yard, or grow through or over a neighbor’s fencing, plants or other landscaping.

§ 134-4. Inspections.

All places and premises in the Borough of Bay Head shall be subject to inspection by the Code Enforcing Officer. Such inspections shall be performed by such person, persons or agency duly authorized and appointed by the Borough of Bay Head. Such inspection shall be made if that official has reason to believe that any section of this chapter is being violated.

§ 134-5. Violations and penalties.

A. Whenever an invasive plant as defined by this chapter is found to have spread beyond the boundaries of a property, a violation shall be given to the owner of the property from which the invasive species has spread, in writing, to remove or abate the same within 30 days. The cost of all remedies, including the removal of plantings of invasive plants, shall be borne by the owner of the property from which the invasive species has spread.

B. For a violation of any provision of this chapter, the maximum penalty, upon conviction thereof, shall be a fine not exceeding \$1,000 or imprisonment for up to 90 days or a period of community service not exceeding 90 days, or any combination thereof. Except as otherwise provided, each and every day in which a violation of any provision of this chapter exists shall constitute a separate violation.

C. Notwithstanding any other penalty or fine which may be imposed under this section, if an owner fails to comply with the removal or abatement of an invasive plant, the Borough may thereafter remove or otherwise abate the planting and thereafter recover the costs of such removal or abatement from the property owner by placing a lien against the property.

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 3. If any section, subsection, paragraph, sentence, clause or word of this Ordinance shall be adjudged invalid by a Court of competent jurisdiction, then and in such event, said invalidity shall not effect the viability of the remaining portions of this Ordinance.

SECTION 4. This Ordinance shall become effective immediately upon adoption and publication according to law.

ATTEST:

APPROVED:

Patricia M. Applegate, Municipal Clerk

William W. Curtis, Mayor

Introduced on First Reading:
Introduced on Second Reading:
Approved on Second Reading:

April 2, 2018
May 7, 2018
May 7, 2018

ATTEST:

APPROVED:

Patricia M. Applegate, Municipal Clerk

William W. Curtis, Mayor