



BOROUGH OF BERLIN
COUNTY OF CAMDEN

ORDINANCE 2020-10

PROHIBITING THE PLANTING OF BAMBOO OR INVASIVE PLANT SPECIES AND BAMBOO GRASSES

WHEREAS The purpose of this subsection is to preserve and protect private and public property and indigenous plant materials from the damaging spread of invasive plant species and bamboo grasses, and to maintain the general welfare of the residents of the Borough of Berlin; and,

WHEREAS all native and non-native vines and vegetation that grow out of place and are competitive, persistent, and pernicious may damage trees, vegetation, other plant materials or structures. Examples include but are not limited to Japanese knotweed (*Polygonum cuspidatum*), running (monopodial) bamboo, clumping (sympodial) bamboo, multiflora rose, Kudzu vine and poison ivy and oak; and,

WHEREAS, it is determined that the bamboo plant is an invasive plant and often challenging to control and can and has caused significant damage to properties in the Borough of Berlin.

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Berlin, in the County of Camden, State of New Jersey as follows:

Prohibition:

No owner, tenant or occupant of a property, or person, corporation or other entity, shall plant, install or cause or permit the planting or installation of plant species commonly known as "bamboo - running or clumping," including, but not limited to, the following plant genera: *Arundinaria*, *Bambusa*, *Chimonobambusa*, *Dendrocalamus*, *Fargesia*, *Phyllostachys*, *Pleioblastus*, *Pseudosasa*, *Sasa*, *Sasaella* and *Semiarundinaria*, Japanese knotweed (*Polygonum cuspidatum*), running (monopodial) bamboo, clumping (sympodial) bamboo, multiflora rose, Kudzu vine and poison ivy and oak; and, upon any property located within the Borough of Berlin.

Duty to confine:

In the event any species commonly known as "bamboo - running or clumping" or invasive plant species and bamboo grasses are located upon any property within the Borough of Berlin, prior to the effective date of this prohibition, the owner or occupant of said property shall 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 by way of a rhizome (underground system) barrier, which shall: (1) be constructed of concrete, metal or plastic, such as high-density polypropylene, 40 mil or heavier, glued or taped at junctions, or clamped with stainless-steel clamps; (2) be at least three feet deep and project at least one inch above ground level; and (3) be slanted outward at the top so that when the stems hit the barrier, they will bend upwards. Rhizomes that arch or grow over the top of the barrier shall be cut off to prevent the spreading thereof. Said

confinement shall be by a barrier, constructed following specifications approved by the Property Maintenance Officer of the Borough of Berlin, and as may be amended from time to time, and inspected and permitted by the office of the Property Maintenance Officer. Failure to properly confine such bamboo shall require removal. Instead of the duty to contain, the property owner or occupant may elect to remove the bamboo or invasive plant species from the property.

Removal:

In the event bamboo - running or clumping or invasive plant species are present on the effective date of this prohibition, and the Borough has received a complaint regarding encroachment of any bamboo plant or root, the Property Maintenance Officer of the Borough shall notice the bamboo property owner in writing that the bamboo has invaded other private or public property or public right-of-way. The Property Maintenance Officer shall demand the removal of the bamboo from other private or public property or public right-of-way and demand confinement against future encroachment. Notice shall be provided by certified, return receipt requested mail and regular mail.

Within 20 days of receipt of such notice, the invasive plant property owner shall submit to the Property Maintenance Officer of the Borough, with a copy to the owner of the affected property, a plan for the removal of the bamboo or invasive plant from the affected property, which plan shall include restoration of the affected property after removal. If the bamboo or invasive plant species property owner does not remove or contract for the removal of the bamboo or invasive plant species from such other private or public property or public right-of-way within 30 days of the date of notice, the Property Maintenance Officer of the Borough of Berlin shall cause a citation to be issued, enforceable through the Municipal Court of the Borough of Berlin, as well as civil proceedings for injunctive or civil relief. 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. When an encroachment is upon public property or a public right-of-way, the Borough of Berlin, at its discretion, may remove or contract for the removal of such bamboo or invasive plant species from the Borough property or public right-of-way, the cost of which shall be the responsibility of the bamboo or invasive plant species property owner and shall be assessed as a lien against the property on which the bamboo or invasive plant species growth originated. The cost of removal from the Borough-owned property and/or public right-of-way shall include the installation of an appropriate barrier to prevent future bamboo or invasive plant species invasion.

Replanting prohibited:

Any bamboo or invasive plant species - running or clumping, either planted or caused to be planted or existing on the effective date of this regulation, may not be replanted or replaced once such bamboo or invasive plant species is or has become dead, destroyed, uprooted or otherwise removed.”

BE IT FURTHER ORDAINED if any section, subsection, sentence, clause, phrase, or portion of this Ordinance, is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction; such part shall be deemed a separate, distinct and independent provision. It shall not affect the validity of the remaining portions thereof.

Introduction:

Moved by: Councilwoman Cummings; **Seconded by:** Councilman Simone

Vote: Motion carried by roll call vote (summary: Yes = 5 No= 0 Absent=0).

Yes: Councilmembers: Badolato, Cummings Simone, Hohing, Miller, Pearce

No: None

Abstain: None

Absent: None

Having been properly introduced, this Ordinance will have a second reading, public hearing and possible adoption will be on October 8, 2020.

I, Dwayne M. Harris, RMC, Administrator/Clerk of the Borough of Berlin, hereby certifies the foregoing to be the true and correct actions by the Governing Body at its meeting on Thursday, September 10, 2020.

Adoption:

Moved by: Councilwoman Cummings; **Seconded by:** Councilman Hohing

Vote: Motion carried by roll call vote (summary: Yes = 6; Absent = 0).

Yes: Council members, Badolato, Cummings, Hohing, Miller, Simone, Pearce

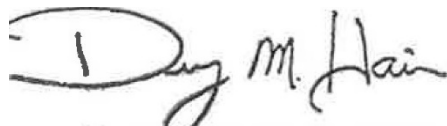
No: None

Abstain: None

Absent: None

I, Dwayne M. Harris, RMC, Administrator/Clerk of the Borough of Berlin, hereby certifies the foregoing to be a true action of the Governing Body at its Meeting of Thursday, October 8, 2020.

WITNESS my hand this 9th day of October 2020.

A handwritten signature in black ink that reads "Dwayne M. Harris". The signature is written in a cursive style with a large initial "D".

Dwayne M. Harris, RMC