

TOWNSHIP OF WASHINGTON  
BERGEN COUNTY, NEW JERSEY

ORDINANCE No. 19-26

**AN ORDINANCE ADOPTING REGULATIONS FOR THE PLANTING, GROWING AND/OR CULTIVATING OF BAMBOO WITHIN THE TOWNSHIP OF WASHINGTON**

BE IT ORDAINED, by the Township Council of the Township of Washington, that Chapter 217 (Fences, Bushes and Shrubs) of the Code of the Township is hereby amended by adding the following Section 217-4.1 thereto:

1. **“§217-4.1 Purpose.**

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

**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 Township shall plant, cultivate, or cause to grow, any bamboo on any lot and/or parcel of ground anywhere within the geographic boundaries of the Township of Washington, 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 ten (10) feet from any property line.

**B. Exemptions.**

This Section shall not apply to any land owner 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

land owner 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 Township regarding the encroachment of any bamboo plant or root, or whenever the Township, on its own observations and inspections, determines that there is an encroachment of bamboo plants or roots on to the property of another land owner, or tenant in possession of such property, or both, the Township shall cause Notice to be served on the offending land owner and on any tenant in possession of such property if known to the Township, 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 (5) calendar days of its being mailed by the Township.
2. The Notice shall specify the nature of the violation(s).
3. The Notice shall state that the violation(s) must be corrected within thirty (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 Twenty-Five (\$25.00) Dollars per day nor more than One Hundred (\$100.00) Dollars 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 Township is hereby authorized to remove or have removed any encroaching bamboo and to take all reasonable steps to eradicate the re-growth 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 Township of Washington.”

2. If any section, sub-section, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid such decision shall not affect the remaining portions of this Ordinance.

3. All Ordinances or any provisions of any ordinance inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistencies and not otherwise.

4. This Ordinance shall take effect upon final passage and publication and in accordance with the Charter, and subject to such emergency resolution as may be adopted pursuant to Section 17-32 thereof. [R.S. 40:69A-181 (b)].

ATTEST:

APPROVED:

TOWNSHIP COUNCIL OF THE  
TOWNSHIP OF WASHINGTON



Susan Witkowski,  
Township Clerk



Michael DeSena,  
Council President

First Reading of Township Ordinance No. 19-26

Introduction Date: November 6, 2019


MOTION		SECOND		COUNCIL	AYES	NAYES	ABSTAIN	ABSENT
Bruno	X	Bruno		Bruno	X			
Cascio		Cascio		Cascio	X			
Cumming		Cumming	X	Cumming	X			
DeSena		DeSena		DeSena	X			
Ullman		Ullman		Ullman			X	

ATTEST:

  
 Susan Witkowski,  
 Township Clerk

APPROVED:

TOWNSHIP COUNCIL OF THE  
 TOWNSHIP OF WASHINGTON

  
 Michael DeSena,  
 Council President

Second Reading of Township Ordinance No. 19-26

Adoption Date: November 25, 2019

MOTION		SECOND		COUNCIL	AYES	NAYES	ABSTAIN	ABSENT
Bruno		Bruno		Bruno	X			
Cascio	X	Cascio		Cascio	X			
Cumming		Cumming	X	Cumming	X			
DeSena		DeSena		DeSena	X			
Ullman		Ullman		Ullman			X	