

ORDINANCE #10-25

**BOROUGH OF SAYREVILLE, COUNTY OF MIDDLESEX
ORDINANCE ESTABLISHING REGULATIONS FOR THE PLANTING OF
BAMBOO THROUGHOUT THE BOROUGH**

BE IT ORDAINED by the Council of the Borough of Sayreville, County of Middlesex, State of New Jersey, that the Code of the Borough of Sayreville, is hereinafter supplemented and amended as follows:

SECTION ONE. Chapter XII entitled "Building and Housing" of the Sayreville Borough Code of Ordinances is hereby supplemented and amended to create new Section 12-15 to be entitled "Bamboo" to read as follows:

CHAPTER XII – BUILDING AND HOUSING

12-15 – BAMBOO

12-15.1 PURPOSE.

The purpose of this Section is to preserve and protect public and private property within the Borough of Sayreville from the damaging spread of bamboo by prohibiting the planting, growing, maintaining or cultivation of bamboo within the Borough of Sayreville. The planting and uncontrolled growth of bamboo is known to threaten other vegetation and endanger existing ecosystems, and is disruptive to the general health and welfare of a community.

12-15.2 DEFINITIONS.

The following definitions apply to this Section:

BAMBOO

The plant species commonly known as bamboo and shall include both running (monopodial) bamboo and clumping (sympodial) bamboo.

PERSON

Any natural person, firm, corporation, partnership, limited liability company, or other organization or group.

12-15.3 PLANTING, GROWTH AND CULTIVATION OF BAMBOO PROHIBITED.

No person, whether an owner, tenant or other occupant, in possession or control of real property located within the Borough of Sayreville shall plant, grow, maintain or cultivate, or cause to plant, grow maintain or cultivate, bamboo upon any such property, unless:

- A. The root system of the bamboo plants is entirely contained within an above-ground planter, barrel or other container of such design, material and location so as to entirely prevent the spread or growth of the bamboo plants' root system beyond the container in which it is planted; and

- B. The bamboo plants contained as described herein shall be located, trimmed and maintained so that no part of any plant shall be closer than fifteen (15') feet from any property line or right-of-way.

12-15.4 EXCEPTION.

This Section shall not apply to any person, whether an owner, tenant, or other occupant, in possession or control of real property, who, prior to the effective date of this Section, has planted or caused to grow bamboo on any property within the Borough of Sayreville, provided, that such existing bamboo plants shall not be permitted to grow, be maintained or cultivated so as to allow the bamboo to be closer than five (5') feet from any property line or right-of-way; and no new bamboo plants may be planted, grown, maintained or cultivated on any property within the Borough of Sayreville.

12-15.5 COMPLIANCE.

Whenever a complaint is received by the Borough of Sayreville regarding the encroachment of any bamboo plant or root, or whenever the Borough of Sayreville Zoning Officer or Code Enforcement Officer determines that there is an encroachment of bamboo plants or roots onto the property of another or any public property, the Zoning Officer or Code Enforcement Officer shall forward a written notice of violation to the alleged offending property owner, tenant, occupant or other possessor (hereinafter, the "violator"), which notice shall be substantially as follows:

- A. The notice required to be given under this Section shall be mailed by the Zoning Officer, Code Enforcement Officer or other officer designated by the Borough to said owner or tenant by certified mail, return receipt requested, addressed to his or her last known address or, if unknown, in the case of an owner, to his or her address as the same appears on the tax records of the municipality, or in the case of a tenant, to the property address. Notice may be served by hand delivery, as long as service is witnessed.
- B. The notice of violation shall specify the exact nature of the violation.
- C. The notice shall state that the violation must be cured within thirty (30) days from the date of the received or returned mailing.
- D. The notice must state specifically what must be done by the violator to cure the violation.
- E. Every such notice shall, in addition to requiring compliance with this Section, warn the owner or tenant that failure to affect such removal within the time stated in said notice will result in such removal by the Borough of Sayreville, and the cost of such removal will be charged to the owner or tenant. In the event that service of notice is made upon the owner or tenant, the cost of such removal shall forthwith become a lien upon the lands and shall be added to and become a part of the taxes next to be assessed and levied upon the same, to bear interest at the same rate and to be collected in the same manner as taxes, as hereinafter provided.

12-15.6 COSTS TO BECOME A LIEN.

In all cases where bamboo is removed from any lands under this Section by or under the direction of the Borough Zoning Officer or Code Enforcement Officer, to affect such removal, such officer shall certify the cost thereof to the Mayor and Council, who shall examine the certificate and, if found correct, shall cause the cost as shown thereon to be charged against said real property. The amount so charged shall forthwith become a lien upon such property and shall be added to and become and form part of the taxes next to be assessed and levied upon such property, the same to bear interest at the same rates as taxes, and shall be collected and enforced by the same officers and in the same manner as taxes. The above costs of removal shall be additional to any other penalties which may be imposed under this Section.

12-15.7 VIOLATIONS AND PENALTIES.

Any person convicted of a violation of any provision of this Section or any supplement thereto may, in the discretion of the court by which such person was convicted, for each offense, be punishable by a fine not exceeding One Thousand, Two Hundred and 00/100 (\$1,200.00) Dollars. Each day during which a violation of this Section continues shall be deemed a new and separate offense.

SECTION TWO. Severability Clause.

If any article, subsection, 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 and they shall remain in full force and effect, and to this end the provisions of this ordinance are hereby declared severable.

SECTION THREE. Repealer.

All ordinances and resolutions, and parts of ordinances and resolutions which are inconsistent with provisions of this ordinance shall be, and are hereby, repealed to the extent of any such inconsistency.

SECTION FOUR. Effective Date.

This ordinance shall take effect upon final adoption and publication in accordance with law.

INTRODUCED/APPROVED ON FIRST READING

DATED: March 10, 2025

Jessica Morelos, R.M.C.
Clerk of the Borough of Sayreville

John Zebrowski, Councilman
(Planning and Zoning Committee)

ADOPTED ON SECOND READING

DATED: March 24, 2025

Jessica Morelos, R.M.C.
Clerk of the Borough of Sayreville

John Zebrowski, Councilman
(Planning and Zoning Committee)

APPROVAL BY THE MAYOR ON THIS _____ DAY OF _____, 2025.

Kennedy O'Brien, Mayor
Borough of Sayreville

APPROVED AS TO FORM:

Borough Attorney