

ORDINANCE NO. 17-12
INTRODUCTION DATE: 12-06-17
ADOPTION DATE: 12-20-17

AN ORDINANCE AMENDING CHAPTER III (POLICE REGULATIONS), SECTION 3-4 (BRUSH, HEDGES AND OTHER PLANTS) BY ADDING SECTION 3-4B (INVASIVE SPECIES PLANTS) OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF MILLSTONE, COUNTY OF MONMOUTH AND STATE OF NEW JERSEY

BE IT ORDAINED by the Township Committee of the Township of Millstone, County of Monmouth and State of New Jersey, as follows (additions are underlined, and deletions are in [brackets]):

I

Chapter III, Police Regulations, Section 3-4, Brush, Hedges and Other Plants is hereby amended as follows:

3-4. BRUSH, HEDGES AND OTHER PLANTS. No change.

3-4A. REMOVAL OF GRASS, WEEDS, BRUSH AND OTHER DEBRIS. No change.

3-4B INVASIVE SPECIES PLANTS.

3-4B.1 Purpose:

It is determined that certain types of the Invasive Species Plants are invasive, often difficult to control, and can cause significant damage to property. The purpose of this section is to preserve and protect public and private property in the Township from the damaging spread of Invasive Species Plants, to protect indigenous and other plant materials from the invasive spread of Invasive Species Plants, and to maintain the general welfare of the residents of the Township.

3-4B.2 Definition.

For purposes of this section 3-4B:

“Bamboo” shall mean and include plant species commonly known as Running (monopodial) Invasive Species Plant or Clumping (sympodial). Invasive Species Plant This definition shall include but is not limited to the following plant genera:

- a. Arundinaria;
- b. Bambusa;
- c. Chimonobambusa;
- d. Dendrocalamus;
- e. Fargesia;
- f. Phyllostachys;
- g. Pleioblastus;
- h. Pseudosasa;
- i. Sasa;
- j. Sasaella;
- k. Semiarundinaria.

“Invasive Species Plant(s) shall mean Bamboo and each of the following: Canadian Thistle (Cirsium arvense), Eurasian Watermilfoil (Lonicera japonica), Garlic Mustard (Alliaria petiolata), Japanese knotweed (Polygonum caspidatum), Japanese Stiltgrass (Microstegium vimineum), Mile-a-minute (Polygonum perfoliatum), Purple Loosestrife (Lythrum salicaria), Russian Olive (Elaeagnus angustifolia) and Water Chestnut (Trapa natans) and shall include the plant, and any cutting, flower, seed, root, other plant part, or cultivar therefrom.

3-4B.3. Duty to Confine. In the event Invasive Species Plant is planted upon or is currently located upon any property within the Township, 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.

- a. In lieu of confining the species, the property owner or occupant may elect to totally remove the Invasive Species Plant from the property, and all affected properties.
- b. Failure to properly confine such Invasive Species Plant shall require removal as set forth below. The cost of said removal shall be at the Invasive Species Plant property owner's expense.
- c. This duty to confine shall not apply if the property owner and/or occupant can establish to the satisfaction of the Township Inspector that the Invasive Species Plant which is on his/her property originated on another property.

3-4B.4. Removal.

In the event Invasive Species Plant is present on a property in the Township and a complaint is received by the Township regarding an encroachment of any Invasive Species Plant and the Township Inspector, after observation and/or inspection, determines that there is an encroachment or invasion of an Invasive Species Plant on any adjoining/neighborhood private or public property or public right-of-way (hereinafter, "the affected property"), the Township shall serve notice to the Invasive Species Plant property owner in writing that the Invasive Species Plant has invaded other private or public property(s) or public right-of-way(s) and demand the removal of the Invasive Species Plant from the affected property, and demand approved confinement against future encroachment or, in the alternative, the total removal from the Invasive Species Plant property owner's property. Notice shall be provided to the Invasive Species Plant property owner, as well as to the owner of the affected property, (both as appear in the official records of the Township Tax Assessor) by certified, return receipt requested mail and regular mail. Within forty-five (45) days of receipt of such notice, the Invasive Species Plant property owner shall submit to the Township Inspector, with a copy to the owner of the affected property, a plan for the removal of the Invasive Species Plant from

the affected property, which plan shall include restoration of the affected property after removal of the Invasive Species Plant. Within one hundred twenty (120) days of receipt of approval of the plan of removal and restoration, the removal and restoration shall be completed to the satisfaction of the Township.

3-4B.5 Violations, Penalties, Remedies, Lien.

a. If the Invasive Species Plant property owner does not accomplish the removal of the Invasive Species Plant from such other private or public property or public right-of-way in accordance herewith, the Township Inspector shall cause a citation to be issued and penalties to be imposed in accordance with section 1-5, “General Penalty”, for each day the violation continues.

b. The Township may also institute civil proceedings for injunctive or civil relief.

c. In addition to the recourse set forth in a. and b. above, if the Invasive Species Plant property owner does not accomplish the removal of the Invasive Species Plant from public property or a public right-of-way in accordance herewith, the Invasive Species Plant shall be considered a “weed” and the provisions of section 3-4A.3 allowing the Township, at its option and discretion, to remove the Invasive Species Plant, certifying the costs of removal and imposing a lien, shall apply.

d. 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 Invasive Species Plant property owner and/or other responsible private parties.

II

All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.

III

If any section, subparagraph, sentence, clause or phrase of this Ordinance shall be held to be invalid, such decision shall not invalidate the remaining portion of this Ordinance.

IV

This Ordinance shall take effect upon adoption and publication according to law.

EXPLANATORY STATEMENT:

This Ordinance creates new Section 3-4B, Invasive Species Plants, for the purpose of protecting public and private property in the Township from the damaging spread of Invasive Species Plants.