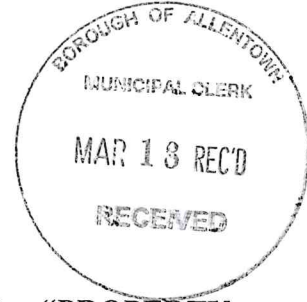


**BOROUGH OF ALLENTOWN
COUNTY OF MONMOUTH
STATE OF NEW JERSEY**

ORDINANCE NO. 04-2021



AN ORDINANCE AUGMENTING CHAPTER 12: "PROPERTY MAINTENANCE" OF THE BOROUGH'S REVISED GENERAL ORDINANCES TO ADD NEW SECTION 12-12: "INVASIVE PLANTS" TO REGULATE INVASIVE SPECIES OF VEGETATION WITHIN THE BOROUGH OF ALLENTOWN

WHEREAS, because of the proximity of dwellings to each other within the Borough of Allentown (the "Borough"), the presence of invasive plants on one property can have adverse effects upon many others, and in some cases, can be deleterious to native plants and wildlife throughout the Borough; and

WHEREAS, the Borough seeks to establish standards to govern invasive plants, as may be herein permitted, to better protect surrounding property owners and native species;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Allentown, County of Monmouth, State of New Jersey, that Chapter 12: "Property Maintenance" of the Borough's Revised General Ordinances is hereby augmented with new Section 12-12: "Invasive Plants" as follows:

CHAPTER 12: PROPERTY MAINTENANCE

* * *

§ 12-12 INVASIVE PLANTS.

§ 12-12.1 Purpose and Intent.

The purpose of this Ordinance is to preserve and protect private and public property from the damaging spread of invasive plants and to protect indigenous plants and the wildlife they support from the spread of invasive plants from any neighboring property line.

§ 12-12.2 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

Buffer Zone – A distance of at least five (5) feet from any lane, street or road, whether public or private, or from any neighboring property, whichever is more restrictive for the property owner.

Invasive Plants –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. This ordinance only covers spread by vegetative growth and does not cover the spreading of invasive plants by seed. The most widespread examples of invasive plants in our area are:

Japanese Knotweed (*Polygonum caspidatum*, *Fallopia japonica* & *Reynoutria japonica*)
Multiflora Rose (*Rosa multiflora*)
Japanese Barberry (*Berberis thunbergii*)
English Ivy (*Hedera helix*)
Purple Loosestrife (*Lythrum salicaria*)
Canadian Thistle (*Cirsium arvense*)
Porcelain Berry (*Ampelopsis brevipedunculata*)
Mile-a-minute (*Persicaria perfoliata*)
Kudzu (*Pueraria montana*)
Tree of Heaven (*Ailanthus altissima*)
Running Bamboo
Wisteria (*Wisteria sinensis* & *Wisteria floribunda*, but not native *Wisteria frutescens*)

The application of this ordinance is not restricted by the examples listed above but applies to all vegetation defined as invasive plants.

Running Bamboo – Any monopodial (running) woody grass from the genera of bamboos including, but not limited to, *Bambusa*, *Phyllostachys* and *Pseudosasa*, as well as common bamboo, golden bamboo and arrow bamboo.

Property Owner(s) – Any property owner(s) or tenant(s) who, or which, have Invasive Plants in the Buffer Zone of their property, even if the Invasive Plant has spread onto their property from an adjoining property.

Borough – The Borough of Allentown, County of Monmouth, State of New Jersey.

§ 12-12.3 Control of Growth.

- A. All Property Owner(s) must control the growth of Invasive Plants on their property, even if it originated from a neighboring property. Failure to control significant spread of such vegetation within any Buffer Zone of any property is a violation of this chapter. Spread is significant when the Invasive Plants grow into the Buffer Zone of the Property Owner(s) yard, or take over or undermine a neighbor's fencing, building, driveway, plants or other landscaping.

- B. Property Owner(s) shall take all necessary measures to ensure that any Running Bamboo on their property does not exist within any Buffer Zone. If Running Bamboo is to remain outside the Buffer Zone, a root barrier placed no less than five (5) feet from the property line to prevent any growth of Running Bamboo within the Buffer Zone is required. The barrier itself shall be composed of a high density polyethylene (HDPE) with a minimum thickness of 60 mil (or 1/16 of an inch) or equivalent material. The barrier shall be a minimum of 30 inches deep, with 2-3 inches of the barrier protruding above ground level around the entire perimeter of the bamboo. When installed, the barrier shall slant outward from the bottom to top. Each portion of the barrier shall be joined together by the use of sufficient composite, plastic, or stainless steel strips or clamps.
- C. This Ordinance shall not be deemed to alter any rights at common law or otherwise that any property owner may have to recover the cost of removal of Invasive Plants on their own property from another Property Owner(s) from whose property the Invasive Plants have spread.

§ 12-12.4 Inspection.

All places and premises in the Borough may be subject to inspection by the Code Enforcement Officer or their designee, however, an inspection may only be made if a neighboring property owner files a complaint alleging that any section of this chapter has been violated.

§ 12-12.5 Removal or Abatement.

- A. Whenever Invasive Plants are found growing in the Buffer Zone on any plot of land, lot or any other premises or place in contravention of the provisions of this Chapter, a Notice shall be given to the Property Owner(s), providing ninety (90) days to remove or abate the same.
- B. The cost of the removal and/or abatement shall be borne by the Property Owner(s).
- C. If the Property Owner(s) fails to comply with such notice, the Borough may remove or otherwise control the Invasive Plants and the Borough may thereafter recover the cost of such removal from the Property Owner(s) and place a lien on the property to recover the cost of the removal according to law.

§ 12-12.6 Enforcement.

This Section shall be enforced by the Code Enforcement Officer. In addition to the costs of abatement, any person(s) violating any of the provisions of Section 12-12 shall, upon conviction thereof, be liable to the penalty stated in Chapter 1, Section 1-5.

BE IT FURTHER ORDAINED by Mayor and Council that should any section, paragraph, sentence, clause, or phase of this ordinance be declared unconstitutional or invalid for any reason, the remaining portion of this ordinance shall not be affected thereby and shall remain in full force and effect, and to that end the provisions of this ordinance are hereby declared to be severable.

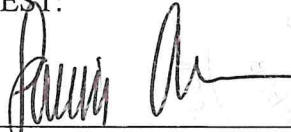
BE IT FURTHER ORDAINED by Mayor and Council that all ordinances or parts of ordinances inconsistent with this amending ordinance are hereby repealed to the extent of their inconsistencies only.

BE IT FURTHER ORDAINED by Mayor and Council that this ordinance shall be in full force and take effect after final passage and publication according to law.



THOMAS FRITTS, Mayor

ATTEST:



LAURIE A. ROTH, MAS, RMC, CMR
Municipal Clerk

DATED: March 16, 2021

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