



**BOROUGH OF FLORHAM PARK
COUNTY OF MORRIS
STATE OF NEW JERSEY
ORDINANCE 15-17**

**AN ORDINANCE OF THE BOROUGH OF FLORHAM PARK,
COUNTY OF MORRIS, STATE OF NEW JERSEY
SUPPLEMENTING AND AMENDING CHAPTER 188 OF THE
BOROUGH'S PROPERTY MAINTENANCE CODE BY
ADOPTING REGULATIONS FOR THE PLANTING,
GROWING, MAINTAINING AND/OR CULTIVATING OF
BAMBOO**

BE IT ORDAINED by the Borough Council of the Borough of Florham Park, County of Morris, and State of New Jersey as follows:

SECTION 1. Purpose.

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

SECTION 2. Regulation of the Planting, Growing or Cultivating of Bamboo.

Subject to certain exemptions set forth in this Ordinance, no persons, residents, citizens, property owners and/or tenants of the Borough shall plant, cultivate, or cause to grow, any bamboo on any lot and/or parcel of ground anywhere within the geographic boundaries of the Borough of Florham Park, 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.

SECTION 3. Exemptions.

This Ordinance shall not apply to any land owner or possessor of said land who, prior to the effective date of this Ordinance, has any bamboo on any property within the Borough limits. Notwithstanding the foregoing, no portions of such bamboo shall be allowed to grow upon, extend roots across, or extend branches, stalks or leaves over any public way or onto any private property. If such occurs, the provisions of Section 4 shall apply.

SECTION 4. Complaint Notice, Order for Removal and Compliance.

Whenever a complaint is received by the Borough regarding the encroachment of any bamboo plant or root, or whenever the Borough, 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 the property, or both, the Borough shall cause Notice to be served 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 Borough.
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).

SECTION 5. Repealer.

All Ordinances of the Borough of Florham Park which are inconsistent with the provisions of this Ordinance are hereby repealed as to the extent of such inconsistency.

SECTION 6. Violations and Penalties.

- A. Any person determined by any court of competent jurisdiction to have violated this Ordinance shall be subject 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 sent to violator and received by the violator as defined above. Each day of a continuing violation shall constitute a separate offense, for which an additional

fine can be levied. The per-day fine will be in addition to a penalty for failure to comply with the Bamboo Ordinance. This fine can be up to the maximum penalty set by the State of New Jersey.

B. If the violation is not remedied within the time set forth in the aforesaid Notice, the Borough 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.

C. The cost of the corrective action together with any civil penalties, legal fees and other costs shall be recoverable from the responsible party.

D. See Section 188-15 for further details with regard to Violations and Penalties.

SECTION 7. Unlawful

If any section, subsection, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by any Court of competent jurisdiction, such decision shall not affect the remaining portion of this Ordinance.

I HEREBY CERTIFY this to be a true and correct Ordinance of the Mayor and Borough Council of the Borough of Florham Park introduced on August 26, 2015 and will be further considered for adoption after Public Hearing held on September 24, 2015 at 7:00 p.m. in the Municipal Building located at 111 Ridgedale Avenue.

INTRODUCED: August 26, 2015

ADOPTED: September 24, 2015

Mark Taylor, Mayor

ATTEST:

Sheila Williams, Borough Clerk

Certified to be a true and correct copy of an Ordinance adopted by the Governing Body of the Borough of Florham Park on September 24, 2015.

Sheila A. Williams, R.M.C.