

ORDINANCE 2025 –14

**AN ORDINANCE OF THE BOROUGH OF SOUTH RIVER, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY,
AMENDING THE BOROUGH CODE OF THE BOROUGH OF SOUTH RIVER, SO AS TO AMEND CHAPTER
258 ENTITLED “PROPERTY MAINTENANCE”**

BE IT ORDAINED by the Mayor and Borough Council of the Borough of South River, County of Middlesex, and State of New Jersey, as follows:

SECTION 1. Chapter 258 of the Borough Code of the Borough of South River, entitled "Property Maintenance" is hereby amended and supplemented so as to add Article X, entitled “Bamboo” as set forth below:

Article X-Bamboo

§258-43 Purpose.

The purpose of this ordinance is to preserve and protect public and private property within the Borough of South River from the damaging spread of bamboo by prohibiting the planting, growing, maintaining or cultivation of bamboo within the Borough. 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.

§258-44 Definitions.

The following definitions apply to this Section:

- A. BAMBOO- The plant species commonly known as bamboo and shall include both running (monopodial) bamboo and clumping (sympodial) bamboo.
- B. PERSON- Any natural person, firm, corporation, partnership, limited liability company, or other organization or group.

§258-45 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 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.

§258-46 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, 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.

§258-47 Compliance.

Whenever a complaint is received by the Borough regarding the encroachment of any bamboo plant or root, or whenever the Borough 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, 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.

§258-48 Costs To Become A Lien.

In all cases where the acts required by § 258-45 or § 258-47 are performed by the Borough under the provisions of this article, the municipal officer of the municipality in charge of the removal of said material shall certify the cost thereof to the governing body. Upon receipt of the certificate of cost, the governing body shall examine the same and, if found correct, shall cause the cost as shown thereon to be charged against the property from which said material was removed. The amount so charged shall become a lien upon such lands and shall be added to and become and form part of the taxes next to be assessed and levied upon said lands, the same to bear interest at the same rate as other taxes and shall be collected and enforced by the Tax Collector of the Borough in accordance with the provisions of N.J.S.A. 40:48-2.14 and 40:48-2.27..

§258-49 Violations and Penalties.

Any person who violates any provision of this article shall, upon conviction thereof, be punished as provided in Chapter 1, Article I, General Penalty. Each violation of any of the provisions of this article and each day that such violation continues shall be deemed and taken to be a separate and distinct offense.

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 3. This ordinance shall take effect after second reading and publication as required by law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed on first reading at a regular meeting of the Borough Council of the Borough of South River, in the County of Middlesex, State of New Jersey, held on May 5th, 2025, and will be considered for second reading and final passage at the regular meeting of said Governing Body to be held on the 2nd day of June, 2025, at 7:00 p.m., or as soon thereafter as this matter can be reached, at the Council Chamber of the Criminal Justice Building located at 61 Main Street, South River, New Jersey, and/or virtually via Zoom meeting code 826 6082 9597: password: 000000 at which time all persons interested shall be given an opportunity to be heard concerning this ordinance.

Introduced 5-5-25

COUNCIL	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Councilwoman Balazs</i>		X	X			
<i>Councilman DeSantis</i>			X			
<i>Councilman Dziemian</i>			X			
<i>Councilman Giannakopoulos</i>			X			
<i>Councilman Gurchensky</i>			X			
<i>Council President Ciulla</i>	X		X			

Alyssa Hager, RMC
Municipal Clerk
Borough of South River