

ORDINANCE 2024-13

ORDINANCE SUPPLEMENTING CHAPTER 15, ENVIRONMENTAL REGULATIONS, OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, TO ADD NEW SECTION 15-2, PROMOTING THE USE OF NATIVE VEGETATION ON MUNICIPAL PROPERTY

WHEREAS, the Township Committee of the Township of Chatham (the “**Township**”) recognizes the significant benefits of establishing and protecting appropriate native vegetation for species conservation and ecological restoration; and

WHEREAS, native plants are well adapted to the local soils and climate in which they have evolved over thousands of years, tend to be more insect and disease resistant, and require significantly less watering and fertilizing than non-native plants; and

WHEREAS, native plants and the insects they support are the foundation of a diverse, healthy, and sustainable ecosystem; and

WHEREAS, many introduced non-native plants are invasive and outcompete our native vegetation, putting our ecosystem out of balance and causing environmental and economic harm; and

WHEREAS, local governments use native plant ordinances to improve the principles and practices that guide landscaping as well as the addition and replacement of plants on municipal properties; and

WHEREAS, the use of appropriate native vegetation helps achieve water conservation goals, facilitates better stormwater absorption, fosters a healthy ecosystem, preserves natural habitat and reduces landscaping maintenance and costs; and

WHEREAS, wildlife such as birds and pollinators require the native plants with which they co-evolved for food, habitat and protective cover, reproduction, and rearing their young; and

WHEREAS, the lack of proper habitat and food sources for native birds and insects is one factor in the decline of many of these species; and.

WHEREAS, on May 1, 2017, Governor Chris Christie signed into law bill S-227/A-963 which required the New Jersey Department of Transportation, the New Jersey Turnpike Authority, and the South Jersey Transportation Authority to use solely native vegetation for landscaping, land management, reforestation efforts, and habitat restoration; and

WHEREAS, the use of native plants also helps to preserve and celebrate our New Jersey heritage, and restore the ecological balance we have lost through development; and

WHEREAS, the Township desires to support the use of native vegetation through leading by example via the adoption of this ordinance supplementing the Revised General Ordinances of the Township (the “**Township Code**”) to add Section 15-2, which promotes the use of native vegetation on municipal property.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Chatham, County of Morris, and State Of New Jersey, as follows:

Section 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. Township Code Chapter 15, Environmental Regulations, is hereby supplemented with the addition of Section 15-2, Promoting the Use of Native Vegetation on Municipal Property, which shall read as follows:

§ 15-2 PROMOTING THE USE OF NATIVE VEGETATION ON MUNICIPAL PROPERTY

§ 15-2.1 Purpose.

The Governing Body desires to increase the amount of native, environmentally beneficial plant species on municipal property in the Township by establishing standards for the purchase and installation of new and replacement plants. The Township strongly recommends that developers, private property owners and landscapers avoid species on the New Jersey Invasive Species Strike Team’s Do Not Plant list. Seeds from invasive plants on private property are spread by birds and damage the ecosystems of the Township woodlands and parks, as well as the Great Swamp National Wildlife Refuge.

§ 15-2.2 Definitions.

For the purpose of this Section 15-2, the following terms shall have the meanings indicated below:

CULTIVAR

A cultivated variety; a plant that has been produced by selective breeding to emphasize or minimize certain traits of the parent plant. These varieties are usually propagated asexually by cloning. These plants are identified by the cultivar name being in single quotes following the Latin scientific name or the common name: For example, *Rudbeckia fulgida* is the straight species of perennial Black-Eyed Susan. *Rudbeckia fulgida* ‘*Goldsturm*’ or ‘*Goldsturm*’ *Black-Eyed Susan* is a cultivar.

HYBRID PLANT

The offspring of two different species or varieties.

INVASIVE PLANT

A plant species that is non-native (or alien) to the ecosystem and whose introduction causes or is likely to cause economic or environmental harm, harm to human health, and/or disruption of naturally occurring native plant communities by altering structure, composition, natural processes, or habitat quality. Refer to the New Jersey Invasive Species Strike Team’s *Do Not Plant List* for an up-to-date list at fohvos.info/invasive-species-strike-team/info-center.

KEYSTONE SPECIES

Native plants that are essential to the ecosystem because they support 90% of the caterpillar species that are the food source for terrestrial birds feeding their young. These are the plants that also serve as food source to both generalist and native bee species who only eat pollen from certain plants. A list of Keystone Native Plants for Chatham Township’s ecoregion

(Ecoregion 8, Eastern Temperate Forests) can be found on the at https://www.nwf.org/-/media/Documents/PDFs/Garden-for-Wildlife/Keystone-Plants/NWF-GFW-keystone-plant-list-ecoregion-8-eastern-temperate-forests.pdf?sc_lang=en&hash=C475FADDFCC2622C7539F25935F5DAA1

LAWN

Continuous plant coverage by a grass species that is regularly mowed to maintain an established height.

MUNICIPAL PROPERTY

Land owned by the Township of Chatham.

NATIVE PLANT

Indigenous terrestrial or aquatic plant species that have evolved and grown naturally in a particular region, ecosystem, and habitat prior to the introduction of plants from other regions or continents. Native plants have evolved over thousands of years to be well-adapted to the climate, light, soil conditions, and wildlife in a particular region. Such plants tend to be more drought- and disease-resistant than species introduced from other regions; and they help preserve the balance and beauty of natural ecosystems. For purposes of this Ordinance, the range of Native Plants shall be the mid-Atlantic region of the United States prior to European contact. Chatham Township is in the Northern Piedmont ecoregion of New Jersey (U.S. ecoregion 64). *Going Native: A Guide to Landscaping With Native Plants in Northern New Jersey* features profiles of many readily available, appropriate plants that are native to the Chatham region and can be found on the Township's website at www.chathamtownship-nj.gov, under Environmental Commission. A list of Recommended trees can be found at <https://ecode360.com/attachment/CH4056/CH4056-022a%20Replacement%20Trees.pdf>

POLLINATORS

Animals (primarily insects, but sometimes birds or mammals) that fertilize plants through the movement of pollen, resulting in the formation of seeds and fruits that humans and other animals rely on for food. The majority of flowering plant species rely on pollinators such as native bees, butterflies and moths, and hummingbirds to make the seeds that will become the next generation of plants. New Jersey is home to approximately 350 species of native bees.

STRAIGHT SPECIES

A native plant that is not a cultivated variety (a.k.a. cultivar) or has not been bred to emphasize or minimize certain traits of the parent plant and is not a Hybrid Plant.

§ 15-2.3 Requirements for Municipal planting of trees, shrubs, and other plants.

Chatham Township requires that all newly procured plants (trees, shrubs, sedges and ornamental grasses, flowers, and groundcovers) used on Municipal Property be Native Plants, in order to:

- a. Protect and promote a healthy ecosystem with appropriate native vegetation; and
- b. Be a leader in addressing the biodiversity crisis; and
- c. Support Pollinators and birds, which have co-evolved with Native Plants and depend on them for food and shelter at all stages of their life cycles.

The use of Straight Species (seed-grown wild type, not propagated by cloning) is strongly encouraged, to ensure biodiversity and preserve a species' natural environmental benefits.

Cultivars bred to alter a species' natural color or bloom shape are strongly discouraged, because those changes can reduce the plant's value to native birds and insects. For example, double blooms make pollen and nectar inaccessible; change in leaf color reflects a change in the plant's chemistry and may repel beneficial insects; unnatural bloom color may make the plant less visible to Pollinators.

Hybrid Plants in which Native Plants are crossed with non-native species are not considered Native Plants.

§ 15-2.4 Applicability.

This ordinance shall apply to new and replacement plantings on all Municipal Property, including at all public town buildings and public land within the Township of Chatham. It does not require the removal and replacement of healthy existing plants.

§ 15-2.5 Invasive species prohibited.

After the effective date of this ordinance, procurement of Invasive Plants listed on the New Jersey Invasive Species Strike Team *Do Not Plant List* (available at fohvos.info/invasive-species-strike-team/info-center) or the New Jersey Invasive Species Council plant list is prohibited for the purpose of planting on Municipal Property. A copy of the Appendix to the State of New Jersey Department of Environmental Protection's Policy Directive 2004-02, Invasive Nonindigenous Plant Species, can be found on the Native Plant Society of New Jersey website at https://npsnj.org/wp-content/uploads/2023/01/invasive_plant_list.pdf

Plans to replace existing Invasive Plants with ecologically beneficial Native Plants are also encouraged.

§ 15-2.6 Prioritizing straight species.

To the extent possible and to the extent such plants are reasonably available, the Township shall prioritize using and installing Native Plants that are Straight Species on any Municipal Property.

§ 15-2.7 Prioritizing keystone species.

The Township strongly encourages prioritizing the selection and planting of Keystone Species on Municipal Property.

§ 15-2.8 Use of deer-resistant Native Plants.

Deer-resistant Native Plants are encouraged. The Native Plant Society of New Jersey provides a list of deer-resistant plants at npsnj.org/native-plants/plant-lists. It's strongly recommended that newly planted trees be planted with deer rub protectors to be maintained in place while the trees are young.

§ 15-2.9 Exceptions.

The use of non-Native Plants (excluding Invasive Plants) shall be permitted in:

- a. Vegetable gardens and areas where fruit and culinary herbs are grown, such as garden plots within the Community Garden of the Chathams.
- b. Municipal lawn areas and athletic fields.
- c. Seasonal planters, pots, and hanging baskets in all commercial business districts.
- d. Dedicated areas around memorial monuments and flag poles within the Township.
- e. The extreme event there are supply issues procuring native plant species; alternates may be considered for use.

§ 15-2.10 Repealer.

All regulations pertaining to Municipal Property that are in conflict with this Section, in whole or in part, are hereby repealed to the extent that they are in conflict.

§ 15-2.11 Severability.

If any portion of this Section is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate provision and shall not affect the validity of the remaining portions of the Section.

§ 15-2.12 **Effective Date.**

This Section shall take effect thirty (30) days after adoption by the Township; provided, however, that this Section shall not apply to any plantings on Municipal Property carried out pursuant to existing contracts, existing invitations to bid, or designs completed prior to the effective date of this ordinance.

Section 3. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, division, clause or provisions so adjudicated and the remainder of the Ordinance shall be deemed valid and effective.

Section 4. All Ordinances or parts of ordinances inconsistent or in conflict with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 5. This Ordinance shall take effect according to law.

Introduced: May 21, 2024

Adopted:

Attest:

TOWNSHIP OF CHATHAM, COUNTY OF
MORRIS, STATE OF NEW JERSEY

BY: _____
Stacey Ewald, Mayor

Gregory J. LaConte, Clerk