

ORDINANCE 2016-18

**AN ORDINANCE OF THE BOROUGH OF POINT PLEASANT BEACH,
COUNTY OF OCEAN AND STATE OF NEW JERSEY AMENDING AND
SUPPLEMENTING CHAPTER XII OF THE BOROUGH CODE
ENTITLED “BUILDING” TO PROVIDE FOR NEW SECTION 12.5
ENTITLED “INVASIVE PLANTS”.**

WHEREAS many of the plants for sale in New Jersey have been introduced from other continents. Some of these introduced plants have the ability to thrive and spread aggressively, invading habitats and replacing native plants. These “invasive” plants end up causing harm to both the environment and the economy; and

WHEREAS Scientists suspect that an invasive plant has a competitive edge over native plants, since the insects, diseases, and animals that naturally control its growth in its native range are often not present in its introduced area. New Jersey’s native animals depend on native plants for food, shelter, and nesting sites. When invasive plants replace the natives, the entire ecosystem can be disrupted. Habitat changes caused by invasive species have led to the decline of about 42% of the threatened and endangered species in the United States; and

WHEREAS these ecological impacts also have a tremendous economic cost. In New Jersey, the economic impact on agriculture was recently estimated to be \$290 million per year. Invasive plants alone have damaged over 100 million acres in the United States, equal to an area about the size of California; and

WHEREAS the purpose of this ordinance is to protect and promote the public health through the control of the growth of invasive plant species. The town of Point Pleasant Beach wants to discourage the planting of invasive species, and encourage the planting of native species.

NOW, THEREFORE, BE IT ORDAINED, by the Governing Body of the Borough of Point Pleasant Beach, County of Ocean and State of New Jersey, as follows:

SECTION I.

Chapter XII, of the borough entitled “Building” is hereby amended and supplemented by the addition of a new section, 12.5 as follows:

12.5 Invasive Plants.

12.5.1 **Purpose.** The purpose of this chapter is to protect and promote the public health through the control of the growth of invasive plant species.

12.5.2 **Definitions.** As used in this chapter, the following terms shall have the meanings indicated:

Invasive Plants – means 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.

The most widespread examples are Garlic mustard, Japanese knotweed, autumn olive, multiflora rose, Japanese barberry and for the purposes of this ordinance, bamboo. More recent emerging examples are Yellow iris, English ivy, Siebold’s viburnum, kudzu, porcelainberry, wisteria, butterfly bush

Residents can find useful information at the Jersey-Friendly Yards website www.jerseyyards.org and use that as a resource for choosing the right plants for their yards

12.5.3 **Control of growth.** All persons must control the growth of invasive plants. Failure to control significant spread of such vegetation beyond the boundaries of a resident’s property is a violation of this chapter. Spread is significant when the plant’s roots grow beyond the boundaries of your yard, or take over a neighbor’s fencing plants or other landscaping.

12.5.4 **Inspections.** All places and premises in the Borough of Point Pleasant may be subject to inspection by the Zoning Officer or his designee, however, an inspection may only be made of an alleged property if a neighboring property owner files a complaint alleging that any section of this chapter has been violated.

12.5.5 **Removal or abatement.**

a. Whenever an invasive plant, as defined by this chapter, is found on any plot of land, lot or any other premises or place, a violation notice shall be given to the owner, in writing, to remove or abate the violation within such time as shall be specified in such notice.

b. The cost of abatement shall be borne by the property owner.

c. If the owner fails to comply with such notice within the time period specified herein, the Borough may remove or otherwise control the invasive plant species and the Borough may thereafter recover the cost of such removal from the property owner and place a lien on the property to recover the cost of invasive plant removal.

12.5.6. Grace Period. Any property owner who is in violation of this ordinance will have 90 days from the effective date of this Ordinance to have all invasive plants removed from the property.

12.5.7 Violations and penalties. Any person, partnership, limited liability company, corporation or other entity who shall violate any provision of this chapter shall, upon conviction thereof, be subject to the maximum fines and penalties established under N.J.S.A. 40:49-5 and 40:69A-29, and as same shall be amended from time to time. Each and every day a violation of this chapter shall exist shall constitute a separate violation.

SECTION II. In the event any section, part or provision of this Ordinance shall be held unconstitutional or invalid by any Court, such holding shall not affect the validity of this Ordinance or any remaining part of this Ordinance other than the part held unconstitutional or invalid.

SECTION III. All ordinances or parts thereof, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of their inconsistencies.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and approved on first reading at the regular meeting of the Borough Council of the Borough of Point Pleasant Beach, in the County of Ocean, held on the 6th day of September, 2016, and will be

considered for second reading and final passage at the regular meeting of said governing body to be held on the 20th day of September, 2016, at 7:30 p.m. in the Council Chambers, Borough Hall, 416 New Jersey Avenue, Point Pleasant Beach, New Jersey at which time and place any person desiring to be heard will be given an opportunity to be so heard.

EILEEN FARRELL, RMC
Municipal Clerk