

19-10
ORDINANCE OF THE BOROUGH OF
MERCHANTVILLE, COUNTY OF CAMDEN AND STATE
OF NEW JERSEY AMENDING CHAPTER 14, BRUSH,
WEEDS AND TREES, IN THE CODE OF THE BOROUGH
OF MERCHANTVILLE

BE IT ORDAINED by the Mayor and Borough Council of the Borough of Merchantville, County of Camden, and State of New Jersey, that Chapter 14, Brush, Weeds and Trees, in the Code of the Borough of Merchantville, be and hereby is amended, as follows:

Article I.

Brush, Weeds and Trees

ARTICLE I. ARTICLE I. SECTION 14-1 Duty to remove or abate.

A. Whenever it shall be deemed for the preservation of the public health, safety and welfare, or to eliminate a fire hazard, the Director of the Department of Public Works, or his designee, shall require any owner, tenant, occupant, managing agent, executor, administrator, or other similar person, to safely remove brush, weeds (including ragweed), dead and dying trees, stumps, roots, noxious weed growth, filth, garbage, trash and debris, within 10 days after receipt of notice to remove or destroy the same.

B. No person shall cause any brush, weeds, dead or dying trees, stumps, roots, obnoxious growth, filth, garbage, trash or debris, to be removed from the property of said owner upon any city or county right of way or easement or upon neighboring property. All such

obnoxious growth and debris shall be collected and either removed from the premises or accumulated in trash cans, bags or other similar containers, for removal by any appropriate sanitation service, the property shall be cleared within the entire perimeter of the property, and extend to the curb or gutter line of the adjoining roadway, as the case may be.

ARTICLE II. ARTICLE I. SECTION 14-2 Notice; personal service.

The Director of the Department of Public Works, or his designee, shall serve written notice upon any such person described in Section 14-1, describing the condition of the premises and demanding that the condition be abated within five (5) days of receipt of said notice, or an appropriate Complaint shall be filed in violation of this Article.

**ARTICLE III. ARTICLE I. SECTION 14-3 Notice; alternate service
by
posting.**

In the event that personal service cannot be made because the owner or agent is not a resident of the Borough of Merchantville, or in the event that service by Certified Mail is unaccepted, then the Director of the Department of Public Works or his designee shall post said notice in a conspicuous place on the premises.

**ARTICLE IV. ARTICLE I. SECTION 14-4 Removal or abatement by
Borough.**

Where the owner, tenant or other person set forth in Section 14-1 above, shall have refused and neglected to remove or destroy any such brush, weeds, dead or dying trees, stumps, roots,

violation occurs shall be deemed a separate and distinct violation, subject to the penalty provisions of this Chapter.

**Article II.
Invasive Plant Species**

**ARTICLE VII. ARTICLE II. SECTION 14-7. Regulation of the Planting,
Growing or Cultivation of
Bamboo and Other Invasive
Plant Species; Definitions**

and

Scope.

A. Purpose. The Ordinance is adopted to control the planting, cultivating, and/or growing of bamboo and other invasive plant species in the Borough of Merchantville. It is further intended to require barriers that will prevent the spread of invasive plant species, such as bamboo, into other areas in the Borough of Merchantville.

B. Definitions. All native and nonnative vines and vegetation that grow out of place and are competitive, persistent and pernicious those plants may damage trees, vegetation, sidewalks or structures. Examples include, but are not limited to, bamboo as well as invasive plant species developed by the New Jersey Species Strike Team and the New Jersey Forestry Association. The terms “bamboo” and “invasive plant species” shall include, but not be limited to, the following plant genera (commonly known as spreading or running type): Arundinaria, Bambusa, Chimonobambusa, Dendrocalamus, Fargesia, Phyllostachys, Pleioblastus, Sasa, Sasaella, Semiarundinaria, Ragweed, multi-flora rose, kudzu-vine and poison oak or ivy.

C. Prohibition. No owner, tenant or occupant of a property, or person, corporation or other entity, shall plant, install, or cause or permit the planting or installation of invasive plant species such as bamboo within any lot and/or parcel of ground anywhere within geographic boundaries of the Borough of Merchantville.

D. Duty to Confine; Inspection and Approval of Code Enforcement Officer.

1. If there exists any species commonly known as “bamboo-running or clumping,” or any other invasive plant species located upon any property within the Borough of Merchantville prior to the effective date of this ordinance, there shall be a duty to confine imposed upon the owner or occupant of the property. The duty to confine shall require owners and occupants to prevent the encroachment, spread, invasion or intrusion of bamboo and other invasive plant species onto any other private property, public property, or public right of way.

2. All places and premises in the Borough of Merchantville shall be subject to inspection by the Code Enforcement Officer when there is reason to believe that any section of this ordinance is being violated.

3. Property owners who seek to confine bamboo or other invasive plant species must do so in accordance with methods approved by the Borough of Merchantville Code Enforcement Officer. The Code Enforcement Officer may permit, inspect and approve methods of confinement and amend the requirements of said confinement from time to time. The Code Enforcement Officer may also permit, inspect and approve proper methods for full removal of bamboo or other invasive plant species.

ARTICLE IX. ARTICLE II. SECTION 14-9 Encroachment.

A. Encroachment on Public Property; Rights of Borough. When an encroachment of bamboo or other invasive plant species occurs upon public property or public right of way, the Borough of Merchantville may remove or contract for the removal of such bamboo or other invasive plant species from the public property or right of way. The cost of removal shall be the responsibility of the property owner and shall be assessed as a lien against the property on which the growth originated. The cost of removal of the bamboo and other invasive plant species shall also include the installation of an appropriate barrier to prevent future invasion onto the public property or right of way.

B. Encroachment on Private Property; Rights of Property Owner. Nothing herein shall be interpreted as limiting the rights of a private property owner to seek civil relief through a court of proper jurisdiction, nor the institution of civil proceedings against the proper parties.

ARTICLE X. ARTICLE II. SECTION 14-10 Recovery of Costs.

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

B. Whenever it shall be deemed for the preservation of the public health, safety and welfare, or to eliminate a fire hazard, the Director of the Department of Public Works or his designee shall require any owner, tenant, occupant, managing agent, executor, administrator or other similar person to remove or destroy brush, weeds (including ragweed), dead and dying trees,

stumps, roots, obnoxious growth, filth, garbage, trash and debris from his property or within the entire perimeter of the property that extends to the curblineline of the roadway abutting his property, within five (5) days after receipt of notice to remove or destroy the same.

C. All such obnoxious growth and debris shall be collected and either removed from the premises or accumulated in trash cans, bags or other similar containers for removal by any appropriate sanitation service; the property shall be cleared within the entire perimeter of the property and extend to the curblineline or gutter line of the adjoining roadway, as the case may be.

ARTICLE XI.

All Ordinances contrary to the provisions of this Ordinance are hereby repealed to the extent that they are inconsistent herewith.

ARTICLE XII.

This Ordinance shall take effect upon passage and publication according to law.

THE BOROUGH OF MERCHANTVILLE

BY: _____
EDWARD F. BRENNAN, MAYOR

ATTEST:

DENISE BROUSE, BOROUGH CLERK

The foregoing ordinance was introduced by Mayor and Council at a meeting held on September 9, 2019. This Ordinance will be considered for adoption on second reading and public hearing to be held on September 23, 2019 at 7:30 p.m in the Council Meeting Room, Merchantville Borough Hall, 1 West Maple Avenue, Merchantville, New Jersey.

The purpose of this Ordinance is to amend the time requirements for abating nuisances, and to set forth the standard and create regulations in the Code of the Borough of Merchantville for the invasive plants within the Borough. A copy of this Ordinance is available at no charge to the general public between the hours of 8:30 AM to 4:30 PM, Monday through Friday (Legal Holidays excluded), at the Office of the Borough Clerk, Merchantville Borough Hall, 1 West Maple Avenue, Merchantville, New Jersey.