

**BOROUGH OF ALLENDALE  
COUNTY OF BERGEN  
STATE OF NEW JERSEY**

**ORDINANCE #23-15**

**AN ORDINANCE TO AMEND AND SUPPLEMENT  
THE CODE OF THE BOROUGH OF ALLENDALE  
TO ADD TO CHAPTER 199 A NEW §199-14.1, ENTITLED  
PLANTING OR GROWING BAMBOO WITHIN THE BOROUGH**

**BE IT ORDAINED** by the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey that Chapter 199 of the Code of the Borough of Allendale (the “Code”), be and hereby is amended and supplemented to add a new §199-14.1 as set forth hereinbelow:

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Allendale, in the County of Bergen and State of New Jersey, that:

**Section 1.** The Code be and is amended and supplemented to add to Chapter 199 of the Code, a new §199-14.1 entitled Planting or Growing Bamboo within the Borough, to read as follows:

**Chapter 199-14.1 Planting or Growing Bamboo within the Borough**

**§ 199-14.1 Purpose and Intent**

The purpose of this Ordinance is to preserve and protect private and public property from the damaging spread of running bamboo grasses and to protect indigenous plants and the wildlife they support from the invasive spread of such bamboo from any neighboring property line.

**§ 199-14.2 Definitions**

A. Running Bamboo – Any monopodial (running) woody grass from the genera of bamboos including, but not limited to, Bambusa, Phyllostachys and Pseudosasa, as well as common bamboo, golden bamboo and arrow bamboo.

B. Running Bamboo Property Owner(s) – Any property owner(s) or tenant(s) who has Running Bamboo on their property, even if the Running Bamboo has spread onto their property from an adjoining property.

C. Buffer Zone – A distance of at least 10 feet from any lane, street or road, whether public or private, or from any neighboring property.

D. Borough – The Borough of Allendale, Bergen Bountty, New Jersey.

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E. Notice – Any written notice by, from or on behalf of the Borough, (1) notifying the Running Bamboo Property Owner(s) that they are in violation of this Ordinance and (2) directing them to cure or fix the violation within sixty (60) days. Such Notice shall be sent by certified mail, return receipt requested, addressed to the owner(s) listed on the current tax address on file with the Borough or personally-served on the property owner or tenant. A copy of the Notice may also be posted on the property in question.

F. Receipt of Notice – Receipt of the Notice shall be the date of mailing the Notice, or, if applicable, the date of personally serving or posting of the Notice on the property in question, whichever is earlier.

**§ 199-14.3 No Planting of Running Bamboo**

A. The planting of Running Bamboo is prohibited in the Borough.

B. Any existing Running Bamboo may not be replanted or replaced after having died or been removed.

C. Any person who plants or replants Running Bamboo within the Borough after the effective date of this Ordinance shall be in violation of this Ordinance and shall be subject to the penalties set forth herein, subject to the following exceptions:

(1) The root system of such Running Bamboo is entirely contained within an above ground planter and located so as to entirely prevent the spread or growth of the bamboo plants' root system beyond the container in which it is planted; or

(2) The root system is contained within a barrier, constructed in accordance with the following specifications:

a. The barrier itself shall be composed of a high-density polypropylene or polyethylene, with a minimum thickness of 40 mm;

b. Each portion of the barrier shall be joined together by the use of stainless steel strips or clamps;

c. The barrier shall be a minimum of 30 inches deep, with 2-3 inches of the barrier protruding above ground level around the entire perimeter of the Running Bamboo; and

d. When installed, the barrier shall slant outward from the bottom to top.

(3) Whether planted or growing in a container, as described herein, all Running Bamboo plants shall be located, trimmed and maintained so that no part of the plant shall be closer than 10 feet from any property line.

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**§ 199-14.4 Regulation of and Limitations on Existing Running Bamboo**

A. Any Running Bamboo already in existence on any property within the Borough as of the effective date of this Ordinance may remain on such property, provided however, that the Running Bamboo shall not be permitted to exist within any Buffer Zone.

B. Running Bamboo Property Owner(s) shall take all necessary measures to ensure that any Running Bamboo on their property does not exist within any Buffer Zone. Such measures shall include, but are not limited to, cutting down Running Bamboo existing in the Buffer Zone and physically removing the Rhizomes and, if Running Bamboo is permitted to remain outside the Buffer Zone, installing sheathing comprised of metal or other impenetrable material and placed no less than 10 feet from the property line at a sufficient depth to prevent any growth of Running Bamboo within any Buffer Zone. Under no circumstances shall poisons or chemicals be used to kill, control or remove the Rhizomes.

C. This Ordinance shall not be deemed to alter any rights at common law or otherwise that any property owner may have to recover the cost of removal of Running Bamboo on their own property from another property owner from whose property the Running Bamboo has spread.

**§ 199-14.5 Enforcement**

This Chapter shall be enforceable by the Property Maintenance Officer and shall apply to all properties and premises within the Borough.

**§ 199-14-6 Violations and Penalties**

A. Whenever Running Bamboo is found planted in the ground or otherwise on any property or premises in the Borough in violation of this Chapter, a Notice shall be given to the Running Bamboo Property Owner to abate the violation within sixty (60) days of such owner's Receipt of Notice.

B. The cost of the abatement shall be borne by the Running Bamboo Property Owner.

C. If the Running Bamboo Property Owner fails to comply with the Notice within the 60-day period, the Property Maintenance Officer may remove or otherwise control the invasive plant species and the Borough may thereafter recover the cost of such removal from the Running Bamboo Property Owner and place a lien on the property to recover the cost of the removal.

D. Any person violating any of the provisions of this Ordinance who fails to abate the violation within sixty (60) days of such person's Receipt of Notice shall be subject to the following penalties:

(1) A fine, not to exceed \$1,000.00 plus the costs of prosecution, for each day on which a violation continues, and for which the property owners has been found guilty.

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(2) Each day on which the violation continues shall constitute a separate offense under this Ordinance.

**Section 2.** Each section of this Ordinance and every subsection hereof shall be deemed independent, separate and distinct from all other sections, and the holding of any section or a part hereof to be unconstitutional, void, or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other section or part hereof, and to this end, the provisions of this Ordinance are hereby declared severable.

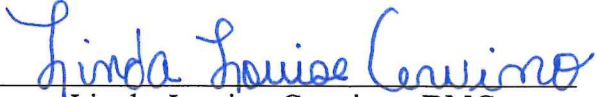
**Section 3.** In the event of any inconsistencies between the provisions of this Ordinance and any prior Borough ordinances, the provisions hereof shall be determined to govern.

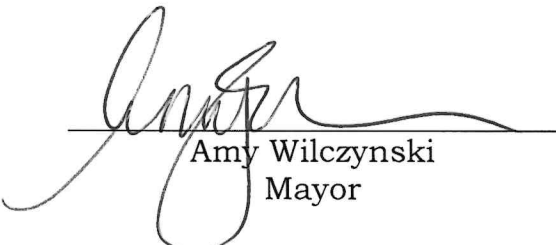
**Section 4.** This Ordinance shall take effect upon passage and publication as required by law.

Council	Motion	Second	Yes	No	Abstain	Absent
Homan			✓			
Lovisololo		✓	✓			
O'Connell			✓			
O'Toole			✓			
Yaccarino			✓			
Daloisio	✓		✓			
Mayor Wilczynski	-----	-----				

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I hereby certify the above to be a true copy of an Ordinance adopted by the Governing Body of the Borough of Allendale on October 26, 2023.

  
Linda Louise Cervino, RMC  
Municipal Clerk

  
Amy Wilczynski  
Mayor