

**TOWNSHIP OF MAHWAH  
ORDINANCE NO. 1936**

**ORDINANCE OF THE TOWNSHIP OF MAHWAH, COUNTY OF  
BERGEN, STATE OF NEW JERSEY, AMENDING SECTION 13-2,  
BAMBOO, OF THE TOWNSHIP CODE TO CLARIFY REQUIREMENTS  
REGARDING EXISTING BAMBOO**

**WHEREAS**, on December 17, 2020, the Township Council of the Township of Mahwah adopted Ordinance No. 1918, which regulates the planning or growing of bamboo within the Township; and

**WHEREAS**, the Ordinance Committee has reviewed the Ordinance and recommends amendments to clarify certain requirements, including those regarding existing Running Bamboo.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Council of the Township of Mahwah, County of Bergen, State of New Jersey, as follow:

**SECTION 1.** Section 13-2, Bamboo, of the Code of the Township of Mahwah is hereby amended to read as follows in its entirety:

§ 13- 2 BAMBOO

§ 13- 2.1 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.

§ 13- 2.2 DEFINITIONS

- A. Running Bamboo — Any inonopodial (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 — Any property owner(s) or tenant(s) who, or which, have Running Bamboo on their property, even if the Bamboo has spread onto their property from an adjoining property.
- C. Township — The Township of Mahwah, Bergen County, New Jersey.
- D. Notice — Any written notice by, from or on behalf of the Township, notifying the Running Bamboo Property Owner(s) that they are in violation of this Ordinance and directing them to cure or fix the violation, 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 Township. A copy may also be posted on the property in question.

- E. Receipt of Notice -- Receipt of the Notice required herein shall be the date of mailing said Notice, or, if applicable, posting of the Notice on the property in question, whichever is earlier.

§ 13-2.3 NO PLANTING OF RUNNING BAMBOO

- A. The planting of Running Bamboo is prohibited in the Township of Mahwah.
- B. Any existing Running Bamboo may not be replanted or replaced after any such existing Running Bamboo has died or been removed.
- C. Any person who plants or replants Running Bamboo within the Township limits 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 bamboo;
    - 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 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.

§ 13-2.4. REGULATION OF AND LIMITATIONS ON EXISTING RUNNING BAMBOO

- A. If Running Bamboo is located upon any property within the Township prior to the effective date of this Ordinance, the Running Bamboo Property Owner shall be required to confine the Running Bamboo to prevent encroachment, spread, invasion or intrusion of same onto any other private or public property or public right-of-way. In lieu of confining the species, the Running Bamboo Property Owner may elect to totally remove the Running Bamboo from the property and all affected properties. Failure to properly confine such Running Bamboo shall require removal as set forth below. The cost of said removal shall be at the Running Bamboo Property Owner's expense. This duty to confine shall not apply if the Running Bamboo Property Owner

can establish to the satisfaction of the Property Maintenance Officer that the Running Bamboo on the property at the time of the effective date of this Ordinance originated on another property.

- B. 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.

#### § 13-2.5. REMOVAL OF RUNNING BAMBOO

- A. Whenever Running Bamboo as defined by this Ordinance is found planted in the ground on any plot of land, lot or any other premises or place, in violation of this ordinance, the Property Maintenance Officer shall issue a written notice of violation to the Running Bamboo Property Owner, giving said owner ten (10) days to abate same.
- 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 such notice, the Property Maintenance Officer shall issue a summons to the Running Bamboo Property Owner, with a penalty of at least \$100 for each day the violation continues in accordance with § 1-5 of the Township Code, enforceable through the Municipal Court of the Township of Mahwah.
- D. If the Running Bamboo Property Owner does not comply with the written notice, the Township, at its discretion, may remove or otherwise control, or contract for same, the Running Bamboo and 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.

#### § 13-2.6 INSPECTION

All places and premises in the Township of Mahwah shall be subject to inspection by the Property Maintenance Officer to determine compliance with this Ordinance.

**SECTION 2.** If any section, paragraph, subsection, clause or provision of this ordinance shall be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this ordinance as a whole or any part thereof.

**SECTION 3.** All ordinances or parts of ordinances of the Township heretofore adopted that are inconsistent with any terms and provisions of this ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 4.** This ordinance may be renumbered for the purposes of codification.

**SECTION 5.** This ordinance shall take effect twenty (20) days following final passage, approval, and publication as required by law.

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Dated: June 18, 2021

Attest



David May  
Council President



Kathrine G. Coviello  
Municipal Clerk

I, Kathrine G. Coviello, Municipal Clerk of the Township of Mahwah, hereby certify that the within Ordinance was passed and adopted at a meeting of the Township Council held on the 17<sup>th</sup> day of June, 2021.



Kathrine G. Coviello, RMC/CMC/MMC  
Municipal Clerk