



**Borough of Manville  
Ordinance #2024-1318**

**AN ORDINANCE REGULATING INVASIVE BAMBOO  
IN THE BOROUGH OF MANVILLE**

**Statement of Purpose**

The purpose of this section is to preserve and protect public and private property of the Borough of Manville from the damaging spread of bamboo, to protect indigenous and other plant materials from the invasive spread of bamboo in the Borough of Manville

**WHEREAS**, studies have shown that determined that certain types of bamboo plants are invasive and often difficult to control and can cause significant damage to property; and

**WHEREAS**, the Mayor & Council have determined that it is in the best interests of the citizens of the Borough of Manville to regulate the planting and potential spread of invasive bamboo plants in the Borough;

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor & Council of the Borough of Manville, as follows:

**SECTION 1: INVASIVE BAMBOO PLANTS.**

**§1.01 Prohibition of Planting of New Bamboo**

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 plant species commonly known as "running (monopodial) bamboo" or "clumping (synapodial) bamboo" upon any property located within the Borough of Manville. This prohibition shall include, but is not limited to, the following plant genera:

- a. Arundinaria;
- b. Bambusa;
- c. Chimonobambusa;
- d. Dendrocalamus;
- e. Fargesia;
- f. Phyllostachya;
- g. Pleioblastus;

- h. Pseudosasa;
- l. Sasa;
- j. Sasaella;
- k. Semiarundinaria.

### **§1.02 Duty to Confine or Abate Existing Bamboo**

In the event any species commonly known as "running bamboo" or "clumping bamboo", including those plant species set forth in §1.01(a) through (k) hereinabove, is located upon any property within the Borough of Manville prior to the effective date of this prohibition, said bamboo shall be deemed to be Existing Bamboo. The owner and occupant of a property with Existing Bamboo shall jointly and severally be required to confine such species to prevent the encroachment, spread, invasion or intrusion of same onto any other private or public property or public right-of-way.

**102(a).** In lieu of conforming the Existing Bamboo, the property owner or occupant may elect to totally remove the Existing Bamboo from the property and all affected properties to which it has spread.

**102(b).** Failure to properly confine such Existing Bamboo shall require removal of same, as set forth below. The cost of said removal shall be at the Existing Bamboo property owner's expense.

**102[c].** This duty to confine shall not apply if the property owner and/or occupant can establish to the satisfaction of the Director of Code Enforcement or his designee that the Existing Bamboo which is on his/her property at the time of the adoption of this section originated on another property, and spread to his/her property.

### **§1.03 Inspections.**

All places and premises in the Borough of Manville may be inspected by the Director of Code Enforcement or his designee subject to a complaint alleging that any subsection of this Section has been violated.

### **§1.04 Removal or Abatement.**

**104(a).** Whenever an invasive bamboo plant, as defined by this ordinance is found on any plot of land, lot or any other premises or place, a Violation Notice shall be given to the property owner, by Regular and Certified Mail, to Remove or Abate the violation within thirty (30) days of the date of mailing of such notice. Failure to comply shall subject the property owner to the penalties set forth below.

**104(b).** The cost of Removal or Abatement shall be borne by the property owner.

**104[c].** If the owner fails to comply with such notice within the time specified therein, the enforcing official may remove or otherwise control the invasive

plant species, and the Borough may thereafter recover the cost of such removal from the property owner, including by way of the Tax Collector placing a lien on the property to recover the cost of the Removal.

**104(d). REMOVAL:** Removal of Existing Bamboo shall be accomplished by removing the entire plants, including roots, to the satisfaction of the Borough property maintenance officer.

**104(e). ABATEMENT:** Abatement of Existing Bamboo shall require two steps:

**104(e)(1):** Removal (as set forth in §1.04(d) above) of all Existing Bamboo with 12 inches of any property line; and

**104(e)(2):** Confinement of any remaining Existing Bamboo by installing a barrier, as follows:

(a). The barrier itself shall be composed of a highly density polypropylene or polyethylene, with a minimum thickness of 6 mil (or 1/16 of an inch); or sheathing comprises of a metal or other impenetrable barrier, to the satisfaction of the Borough property maintenance officer;

(b). Any separate portions of the barrier shall be joined together by the use of stainless steel strips or clamps;

(c) The barrier shall be located at a minimum of 12 inches from any property line, and 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.

## **SECTION 2: Rights of property owners where Bamboo has spread**

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 Bamboo on their own property from another property owner from whose property the Bamboo has spread.

## **SECTION 3: Enforcement; Violation and Penalties**

(a). Whenever Bamboo is found planted in the ground on any plot of land, lot or any other premises or place of contravention of the provisions of this Chapter, a Notice shall be given to the Property Owner(s) via Regular and Certified Mail, providing thirty (30) days from mailing of the Notice, to Remove or Abate the same.

(b). The cost of the removal and/or abatement shall be borne by the Property Owner(s).

(c) If the Property Owner(s) fail(s) to comply with such Notice, the Property Maintenance Officer may remove or otherwise control the Running Bamboo and the Borough may thereafter recover the cost of such removal from the Property Owner(s) and place a lien on

the property to recover the cost of the removal according to law.

**(d).** Any person violating this Ordinance who fails to Remove or Abate the violation within thirty (30) days after mailing of Notice (or within such extended deadline, if any, as may be granted in writing, at the sole discretion of the Borough Administrator in consultation with the Borough Property maintenance) shall be subject to a fine, not to exceed \$500.00, plus costs, for each day on which a violation has occurred, and for which the Property Owner(s) has been found guilty. Each day on which the violation occurs shall be a separate offense under this Chapter. The Municipal Court shall have jurisdiction to enforce and collect any such penalty imposed in a summary manner and in accordance with the Penalty Enforcement Law, N.J.S.A. §2A:58-1 et seq

#### **SECTION 4: Severability**

In the event that any provision of this Ordinance, or the application thereof to any person or circumstance is declared invalid by a court of competent jurisdiction, such declaration of invalidity shall not affect any other provision or application of this ordinance which may be given effect, and, to realize this intent, the provisions and applications of this ordinance are declared to be severable.

#### **SECTION 5: Repealer**

Should there exist any inconsistency with other ordinances of the Borough, or should any provision of this ordinance be inconsistent with the provisions of any other prior ordinances, the inconsistent provisions of such other prior ordinances are hereby repealed, but only to the extent of such inconsistencies.

#### **SECTION 6: Purpose of Captions**

The captions contained in this Ordinance have been inserted only for the purpose of facilitation reference to the various sections, and are not intended and shall not be utilized to construe the intent and meaning of the text of any section.

#### **SECTION 7: Effective Date**

This Ordinance shall take effect after adoption, passage, and signature by the Mayor in accord with N.J.S.A. §40A:60-5(d).

Borough of Manville,



Richard M. Onderko, Mayor

**INTRODUCED** this

20th day of May, 2024:

**ORDINANCE # 2024-1318  
FIRST READING: 5/20/2024  
ROLL CALL**

Attest:

William Bray  
Borough Clerk

Introduced	Seconded	Council	Yes	No	Abstain	Absent
	x	Agans	x			
x		Camacho	x			
		DeVito	x			
		Madak	x			
		Puia	x			
		Skirkanish	x			
		Onderko				

**ORDINANCE # 2024-1318**  
**SECOND READING AND FINAL ADOPTION: 6/10/2024**  
**ROLL CALL**

Introduced	Seconded	Council	Yes	No	Abstain	Absent
X		Agans	X			
		Camacho	X			
	X	DeVito	X			
		Madak	X			
		Puia	X			
		Skirkanish	X			
		Onderko				

**ADOPTED** this 10th day of June, 2024