

CITY OF SEA ISLE CITY  
NEW JERSEY

ORDINANCE NO. 1680 (2022)

AN ORDINANCE TO AMEND THE REVISED  
GENERAL ORDINANCES OF THE CITY OF SEA ISLE CITY,  
CHAPTER 26-25.6 ENTITLED “PLANT MATERIALS” TO AMEND PLANT  
MATERIALS TO INCLUDE PROHIBITION OF INVASIVE SPECIES

**WHEREAS**, the City of Sea Isle City shall designate a regulation of invasive species and all zones; and

**WHEREAS**, it has been determined the bamboo plant and other invasive plants are often difficult to control and can and has caused significant damage to properties in the City of Sea Isle City; and

**WHEREAS**, pursuant to N.J.S.A. 40:48-2.13, the City is authorized to enact ordinances requiring the destruction and removal of brush, weeds, stumps, roots and obnoxious growth where necessary to preserve the public health, safety and general welfare; and

**WHEREAS**, pursuant to N.J.S.A. 40:48-2 the City is authorized to enact ordinances for the protection of person and property and for the preservation of the public health, safety and welfare of the municipality and its inhabitants; and

**WHEREAS**, the Council of the City of Sea Isle City has deemed it in the best interest of the public health, safety and welfare to amend Chapter 26 of the City Code to regulate the growth of bamboo and other invasive species.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Sea Isle City, County of Cape May and State of New Jersey as follows:

**SECTION I.** Chapter 26 Section 25.6 of the Landscaping Ordinances of the City of Sea Isle City, entitled “Plant Materials” is hereby amended to add the following section to 26-25.6 (e) as follows:

**Added Section:**

**e. Planting, Growing or Cultivating Bamboo and Other Invasive Plant Species**

1. **Purpose.** The article is adopted to control the planting, cultivating, and/or growing of bamboo and other invasive plant species in the City of Sea Isle City. It is further intended to require barriers that will prevent the spread of invasive plant species, such as bamboo, into other public or private property in the City of Sea Isle City.
2. **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.
3. **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 the City.
4. **Duty to Confine.**
  - a. If there exists any species commonly known as “bamboo-running or clumping” or any other invasive species located upon any property within the City of Sea Isle City prior to



the effective date of this article, there shall be a duty to confine imposed upon the owner and 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.

- b. All places and premises in the City of Sea Isle City shall be subject to inspection by the Code Enforcement Officer when there is reason to believe that any section of this article is being violated.
- c. Property owners who seek to confine bamboo or other invasive plant species must do so in accordance with methods approved by the City of Sea Isle City 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.
- d. Failure to confine bamboo or other invasive plant species in accordance with the requirements set forth by the Code Enforcement Officer shall require immediate removal by the property owner or occupant.
- e. An owner or occupant with property containing bamboo or other invasive plant species prior to the adoption of this article may fully remove the bamboo or other invasive plant species in lieu of the duty to confine. Such removal must conform with the requirements set forth by the Code Enforcement Officer.

5. **Encroachment.** When an encroachment of an invasive plant species is upon public property or a public right-of-way, at its discretion, the City of Sea Isle City may remove or contract for the removal of such invasive plant species from the public property right-of-way. The cost of such removal shall be the responsibility of the owner and occupant of the property from which the invasive plant species originated. The cost of said removal of the invasive plant species from the public property and/or a public right-of-way shall include the cost of the installation of an appropriate barrier to prevent further encroachment by the invasive plant species.

6. **Removal.** In the event it is determined that there is an encroachment or invasion on any adjoining private or public property or public right of way, the City shall notice the property owner in writing that the bamboo or other invasive plant species has invaded other private or public property or public right of way and demand the removal of the bamboo or other invasive plant species from such other private or public property or public right of way and the confinement against future encroachment or the total removal of the bamboo or other invasive plant species from the owner's property. Notice shall be provided by certified, return receipt requested mail and regular mail. If the bamboo or other invasive plant species property owner does not remove the bamboo or other invasive plant species from such other private or public property or public right of way within forty five (45) days of the date of notice, the Code Enforcement Officer shall have the discretion to issue a citation with a penalty up to \$100.00 for each day the violation continues, enforceable through the Municipal Court of the City of Sea Isle City, as well as civil proceedings for injunctive or civil relief.

7. **Violations and Penalties.** Except as otherwise provided in subsection 6 above, any person, firm, corporation or other entity violating any of the provisions of this Article shall, upon conviction thereof, be subject to a fine of not less than \$100.00 but not more than \$1,000.00 or by imprisonment for a term not exceeding ninety (90) days or by a period of community service not exceeding ninety (90) days. Any such penalty shall be in addition to the costs incurred in cutting or removing said brush, hedges or other plant life described in the notice given by the code of enforcement, or his designated representative, of the City of Sea Isle City. For purposes of this article, each day on which such a condition exists after the expiration of the notice shall be deemed or constitute a separate offense under this article, and separate complaints may be filed for each such offense.

**SECTION II.** Severability. If for any reason any section of this Ordinance shall be declared illegal by any Court of competent jurisdiction, the remaining section of the Ordinance shall remain in full force and effect, notwithstanding.

**SECTION III.** Repealer. Any Ordinance or provision thereof inconsistent with this Ordinance is hereby repealed to the extent of such inconsistency.

**SECTION IV.** Publication. This Ordinance shall take effect immediately upon the adoption and publication in accordance with the law.

  
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Jack Gibson, Council President

  
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Mayor Leonard C. Desiderio

**I HEREBY CERTIFY THAT** the foregoing ordinance was duly passed by the City Council of the City of Sea Isle City, New Jersey on first reading at the regular meeting of said Council held on the 8<sup>th</sup> day of March, 2022 and was taken up for second reading, public hearing and final passage at the regular meeting of said Council held on the 12<sup>th</sup> day of April, 2022, in City Hall, 3<sup>rd</sup> Floor Council Chambers, 233 JFK Blvd., Sea Isle City, New Jersey at 10:00 a.m

  
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Shannon D. Romano, Municipal Clerk