

Explanation: This Ordinance amends Chapter III entitled "General Police Regulations" by adding a new section 3-29 entitled "Invasive Plant Species", to promote and protect public health through the control of growth of invasive plant species.

**TOWNSHIP OF WARREN
ORDINANCE NO. 16-02**

**AN ORDINANCE AMENDING CHAPTER III "GENERAL POLICE REGULATIONS"
OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WARREN BY
ADDING A NEW SECTION 3-29 ENTITLED "INVASIVE PLANT SPECIES"**

BE IT ORDAINED by the Township Committee of the Township of Warren, in the County of Somerset, State of New Jersey, as follows:

SECTION I. Chapter III "entitled "General Police Regulations" of *The Revised General Ordinances of the Township of Warren*, as heretofore supplemented and amended, by the addition of new section 3-29 entitled "Invasive Plant Species" to read as follows:

3-29 Invasive Plant Species.

3-29.1 *Purpose.* The purpose of this chapter is to promote and protect the public health through the control of the growth of invasive plant species.

3-29.2 *Definitions.* As used in this chapter, the following terms shall have the meanings indicated:

INVASIVE PLANT SPECIES shall mean all native and non-native vines and vegetation that grow out of place and are competitive, persistent and pernicious. These plants may damage trees, vegetation or structures. Examples include, but are not limited to, bamboo (spreading or running type), ragweed, multi flora rose, kudzu-vine and poison ivy or oak.

3-29.3 *Control of Growth.* All persons must control the growth of invasive plant species. Failure to control the spread of such vegetation beyond the boundaries of a resident's property is a violation of this chapter.

3-29.4 *Inspections.* All places and premises in the Township of Warren shall be subject to inspection by the enforcing officer. For purposes of this Ordinance, the enforcing officer shall be the Zoning Officer. Such inspections shall be performed by the Zoning Officer or his or her designated municipal employee. Such inspection shall be made if the Zoning Officer has reason to believe that any section of this chapter is being violated.

3-29.5 *Enforcement.*

A. Whenever an invasive plant species (as defined by this chapter) is found on any plot of land, lot or any other premises or place, and is found to lack appropriate physical barriers to prevent the spread or growth of the species, or is found to have spread beyond the boundaries of a property, a violation, in writing, shall be given by the Zoning Officer to the owner of the property from which the invasive plant species has spread, directing the owner to remove or abate the same within such time as shall be specified therein. The violation shall be served upon the property owner of record by regular and certified mail or by personal service.

B. In the event a property owner fails to correct a notice of violation within the time specified in the notice of violation, the Township (by and through those municipal personnel deemed necessary and appropriate by the Zoning Officer) may thereafter enter upon the property and remove or abate the invasive plant species. The property owner shall be responsible for all costs incurred by the Township in correcting the violation and bringing the property into compliance. The Township may also place a municipal lien against the property for all costs incurred by the Township in bringing the property into compliance. The amount of the lien shall be authorized by Resolution adopted by the Township Committee, and shall be added to and become a part of the taxes next to be assessed and levied upon the property, shall bear interest at the same rate as taxes, and shall be collected and enforced by the same officer and in the same manner as taxes. Costs shall be in addition to any penalties imposed for any violation of this section.

3-29.6 *Violations and Penalties.*

A. Any person violating the provisions of this section shall be subject to the violations and penalties set forth herein.

B. Any person violating the provisions of this chapter shall, upon conviction, be punishable by a fine of not more than \$1,000.00 or community service as determined by the Municipal Court. The continuation of such violation for each successive day shall constitute a separate offense.

C. In addition to the penalties set forth herein, any person who violates the provisions of this section shall be liable for any damages caused to any adjoining property, including, but not limited to, the cost of removal of the invasive plant species extending onto the adjoining property, as well as the repair and replacement of any property damaged by the invasive plant species.

3-29.7 *Plantings of Invasive Plant Species.* All new in-ground plantings of invasive plant species are strictly prohibited. All existing plantings must be contained by appropriate physical barriers to prevent the growth or spread of existing invasive plant species beyond the boundaries of a resident's property.

3-29.7 *Township Property.* This Ordinance shall not apply to Township owned property or Township conservation easements.

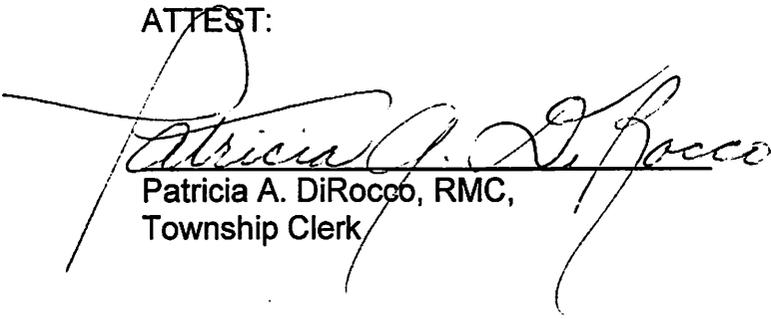
SECTION II. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION III. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION IV. This Ordinance shall take effect immediately upon final passage and publication according to law.

ATTEST:

WARREN TOWNSHIP COMMITTEE


Patricia A. DiRocco, RMC,
Township Clerk


George K. Lazo, Mayor

INTRODUCED February 25, 2016

ADOPTED March 24, 2016

EFFECTIVE March 31, 2016