TOWN OF MORRISTOWN
ORDINANCE - 2019

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 13 "HOUSING AND PROPERTY MAINTENANCE"

WHEREAS, the Town of Morristown (the "Town") desires to add a section to regulate invasive and emerging invasive plants; as the Town and its citizens desire to live in a healthy and sustainable environment.

NOW, THEREFORE BE IT ORDAINED, by the Town Council of the Town of Morristown, County of Morris, State of New Jersey, being the governing body thereof, that Chapter 13 "Housing and Property Maintenance" to add a section to read as follows:

13-126 INVASIVE AND EMERGING INVASIVE PLANTS

13-126.1 Purpose

The purpose of this Ordinance is to control the planting, growing, maintaining and/or cultivating of invasive and emerging invasive plant species, including but not limited to, bamboo, in the Town of Morristown and to require barriers to prevent the spread of invasive plants into other areas of the
town.

13-126.2 Definitions.

As used in this Chapter, the following term shall have the meaning indicated:

Invasive Plants: shall mean all native and non-native vine 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), burning bush, Japanese barberry, kudzu-vine, ~~and~~ multi flora rose, Callery pear, English ivy, and butterfly bush.

Emerging Invasive Plants: shall mean non-native vine and vegetation that has recently been introduced to an ecosystem and is showing signs of rapid spread and potential to cause harm either to the environment or economy. This is defined but not limited to species listed by the New Jersey Strike Force, United States Department of Agriculture and New Jersey Department of Environmental Protection.

Regulation of the Planting, Growing or Cultivating of Invasive Plants

All persons must control the growth of invasive plants. No person, resident, citizen, property owner and/or tenant of the Town of Morristown shall plant, cultivate, or cause to grow, any new invasive or emerging invasive plants on any lot and/or parcel of ground anywhere within the geographic boundaries of the Town of Morristown.~~, except for where the root system of such~~

~~bamboo plants is entirely contained within an above ground level planter, barrel, or other vessel of such design, material and locations or the invasive plant is confined using a rhizome barrier.~~

13-126.4 Exception

The provisions of this Ordinance shall not apply to any land owner or possessor of said land who, ~~who~~ prior to the effective date of this Ordinance, had any invasive or emerging invasive plant species on any property within the Town of Morristown limits. Notwithstanding the foregoing, all existing plants should be contained by appropriate physical barriers to prevent the growth or spread of existing invasive species beyond the boundaries of the land owner's property.

13-126.5 Complaint Notice, Order for Removal and Compliance

Whenever a complaint is received by the Town of Morristown regarding the encroachment of any invasive plant or root, or whenever the Town, on its own observations and inspections, determines that there is an encroachment of an invasive plant or root on the property of another land owner, or tenant in possession of the property, or both, a violation shall be given to the owner of the property from which the invasive species has spread, in writing by certified mail, return receipt requested, to remove or abate the same within thirty (30) days. The cost of all remedies, including the removal of plantings of invasive plants, shall be borne by the property owner.

13-126.6 Violations and Penalties

A. Any person violating the provisions of this chapter shall, upon conviction, be punishable by a fine consistent with the general penalty in § **1-5** and as determined by the Municipal Court as determined by the Municipal Court. The continuation of such violation for each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of such violation may be punished as provided above for each separate offense.

B. Notwithstanding any other penalty or fine which may be imposed under this Chapter, if an owner fails to comply with the removal or abatement of an invasive or emerging invasive plant, the Town may thereafter remove or otherwise abate the planting and thereafter recover the costs of such removal or abatement from the property owner by placing a lien against the property.

BE IT FURTHER ORDAINED, if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective.

BE IT FURTHER ORDAINED, Any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

BE IT FURTHER ORDAINED, This Ordinance shall take effect upon passage.

ATTEST: **ADOPTED:**

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Margot Kaye, Town Clerk	Timothy P. Dougherty, Mayor

Date: _____