

ORDINANCE No. 1132

**AN ORDINANCE AMENDING CHAPTER V GENERAL POLICE REGULATIONS
OF "REVISED GENERAL ORDINANCES OF
THE BOROUGH OF DEAL, 1982"**

THE BOARD OF COMMISSIONERS OF THE BOROUGH OF DEAL
HEREBY ORDAIN:

Section 1. That Chapter V of the "Revised General Ordinance of the Borough of Deal, 1982 be and it hereby is amended in the following:

5-21 Planting and Growing of Running Bamboo

5-21.1 PURPOSE AND INTENT

The purpose of this Chapter is to preserve and protect private and public property from the damaging spread of certain running bamboo grasses, protect indigenous plant materials from the invasive spread of running bamboo, and maintain the general welfare of the residents of the Borough of Deal.

5-21.2 DEFINITIONS

- a. Bamboo - Any monopodial (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. Bamboo Owner - Any property owner or resident who has planted and/or grows Bamboo, or who maintains Bamboo on the property, or who permits Bamboo to grow or remain on the property even if the Bamboo has spread from an adjoining property.
- c. Buffer Zone - A distance of at least 10 feet from any lane, street or road, whether public or private, or from any neighboring property, whichever is more restrictive for the Running Bamboo Owner.

5-21.3 Applicability

For purposes of this Section, Bamboo found growing upon a property shall constitute presumptive evidence that the Bamboo was planted and/or grown by and/or with the consent of the Bamboo Owner.

5-21.4 NO PLANTING OF RUNNING BAMBOO.

- a. The planting of Bamboo is prohibited in the Borough of Deal.

- b. Any existing Bamboo may not be replanted or replaced after any such existing Bamboo has died or been removed.
- c. Any person who plants or replants Bamboo within the Borough limits after the effective date of this Ordinance shall be in violation of this Ordinance and shall be subject to the penalties set forth.

5-21.5 REGULATION OF AND LIMITATIONS ON EXISTING RUNNING BAMBOO.

- a. Any Bamboo already in existence on any property within the Borough limits as of the effective date of this Ordinance, may remain on such property, subject to the following regulation: Running Bamboo shall not be permitted to exist within any Buffer Zone.
- b. Bamboo Owner(s) shall take all necessary measures to ensure that any Bamboo on their property does not exist within any Buffer Zone. Such measures shall include, but are not limited to, cutting down Bamboo existing in the Buffer Zone and physically removing or poisoning the rhizomes or spraying any regrowth for several years until the Bamboo is dead and, if Bamboo is permitted to remain outside the Buffer Zone, installing sheathing comprised of metal or other impenetrable material and placed no less than 10 feet from the property line at a sufficient depth to prevent any growth of Bamboo within any Buffer Zone.
- c. 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.

5-21.6 REMOVAL OF RUNNING BAMBOO.

If Running Bamboo on any property grows in or into any Buffer Zone, the Borough shall give Notice to the Running Bamboo Owner(s), as required by this Ordinance, that the said Owner(s) are responsible for the extermination or removal of such Running Bamboo from the Buffer Zone.

SECTION 2. All ordinances and provisions thereof inconsistent or conflicting with the provisions of this ordinance shall supercede and the controlling to the extent of such conflict or inconsistency, except in cases where the inconsistency is in direct opposition to the purpose of this ordinance.

SECTION 3. If any section or provision hereof shall be adjudged invalid, such determination shall not affect the other provisions hereof which shall remain in full force and effect to the extent of such conflict or inconsistency provided

not otherwise required by law.

SECTION 4. If any word, phrase, clause, section or provision of this ordinance shall be found by any Court of competent jurisdiction to be unenforceable, illegal, or unconstitutional, such word, phrase, clause or provision shall be severable from the balance of the ordinance and the remainder of the ordinance shall remain in full force and effect.

SECTION 5. This ordinance shall take effect upon final adoption after publication thereof in accordance with law.

SECTION 6. Any person, firm or corporation that shall violate the terms of this ordinance shall be subject to the violations and penalties set forth in the Revised General Ordinances of the Borough of Deal.

Introduced by Commissioner Ades on June 10, 2016

Seconded by Commissioner Simhon

Roll Call: Ayes 3: Cohen, Ades and Simhon

Motion to Adopt by Commissioner Ades on June 29, 2016

Seconded by Commissioner Simhon

Roll Call: Ayes 3: Cohen, Ades and Simhon