

**ORDINANCE NO. 2020-35**

**ORDINANCE OF THE BOROUGH OF BELMAR AMENDING THE REVISED  
GENERAL ORDINANCE CHAPTER 31 ENVIRONMENT & NATURAL RESOURCES  
ADDING SECTION 7 INVASIVE PLANTS**

**BE IT ORDAINED** by the Mayor and Council of the Borough of Belmar, County of Monmouth, State of New Jersey, that Chapter 31 Environment & Natural Resources of the Borough's Revised General Ordinances is hereby amended to include the following sections:

**31-7 INVASIVE PLANTS**

**31-7.1 Purpose and Intent.**

The purpose of this section is to protect and promote the public health through the control of the growth of invasive plant species.

**31-7.2 Definitions.**

a. **INVASIVE PLANTS** - 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 (clumping, spreading or running type), ragweed, multi flora rose, kudzu-vine, poison ivy or oak or other types of species deemed to be invasive plants.

b. **BOROUGH** — Shall mean the Borough of Belmar Monmouth County, New Jersey.

c. **NOTICE** — Shall mean any written notice by, from or on behalf of the Borough, notifying the Property Owner(s) that they are in violation of this section and directing them to cure or fix the violation. Such Notice shall be sent by certified mail, return receipt requested, addressed to the owner(s) listed on the current tax address on file with the Borough. A copy may also be posted on the property in question.

d. **RECEIPT OF NOTICE** — Shall mean receipt of the Notice required herein shall be the date of mailing said Notice, or, if applicable, posting of the Notice on the property in question, whichever is earlier.

**31-7.3 Control of Growth.**

All persons must control the growth of invasive plants. Failure to control the spread of such vegetation beyond the boundaries of a resident's property is a violation of this section.

All new in-ground plantings of invasive plants are strictly prohibited. All existing plantings must be contained by appropriate physical barriers to prevent the growth or spread of existing **i** invasive species beyond the boundaries of a resident's property

**31-7.4 Inspection.**

All places and premises in the Borough of Belmar shall be subject to inspection by the Code Enforcement Officer to determine compliance with this section.

**31-7.5 Plantings of Invasive Plants Prohibited.**

All new in-ground plantings of invasive plants are strictly prohibited. All existing plantings must be contained by appropriate physical barriers to prevent growth or spread of existing invasive species beyond the boundaries of a resident's property.

**31-7.5 Violations and Penalties.**

a. Whenever invasive species as defined by this section is found planted in the ground on any plot of land, lot or any other premises or place, a notice of violation shall be given to the Property Owner, in writing, giving said owner 10 days to remove or abate the same.

b. The cost of the abatement shall be borne by the Property Owner.

c. If the Property Owner fails to comply with such notice, the Code Enforcement Officer may remove or otherwise control the invasive plant species and the Borough may thereafter recover the cost of such removal from the Property Owner and place a lien on the property to recover the cost of the removal.

d. Any person violating any of the provisions of this section who fails to abate the violation after notice shall be subject to the following penalties:

1. A fine, not to exceed \$1,000, plus the costs of prosecution, for each day on which a violation has occurred, and for which the property owner has been found guilty.

2. Each day on which the violation occurs shall constitute a separate offense under this section.

**BE IT FURTHER ORDAINED** that should any section, paragraph, sentence, clause, or phase of this ordinance be declared unconstitutional or invalid for any reason, the remaining portion of this ordinance shall not be affected thereby and shall remain in full force and effect, and to that end the provisions of this ordinance are hereby declared to be severable.

**BE IT FURTHER ORDAINED** that all ordinances or parts of ordinances inconsistent with this amending ordinance are hereby repealed to the extent of their inconsistencies only.

**BE IT FURTHER ORDAINED** that this ordinance shall be in full force and take effect twenty (20) days after final passage and publication, as required by law.