

TOWNSHIP OF VERONA
COUNTY OF ESSEX, STATE OF NEW JERSEY

ORDINANCE No. 2023-24

**CREATING OF CHAPTER 307 ENTITLED "INVASIVE PLANT SPECIES
AND TREES"**

WHEREAS, invasive plant and tree species have caused multiple problems throughout our State; and

WHEREAS, in some cases, as with the Tree of Heaven, invasive species can attract other harmful and destructive species like the Spotted Lanternfly, introducing further adverse impacts to all tree and plant species; and

WHEREAS, in other cases, as with Bamboo, Japanese Knotweed, English/Boston Ivy, Poison Ivy, and others, growth and spread becomes uncontrollable, overtaking beneficial native and desired species, as well as causing damage to infrastructural improvements; and

WHEREAS, the Township Council of the Township of Verona desires control and eliminate invasive species to protect native species and the health and welfare of the Township's ecosystem.

NOW THEREFORE BE IT ORDAINED, that the Township Council of the Township of Verona does hereby create Chapter 307 entitled "Invasive Plant Species and Trees" of the Code of the Township of Verona to read as follows:

§ 307-1 Purpose. The purpose of this section is to promote and protect the public health and property through the control of the growth of invasive plant species and trees.

§ 307-2 Definitions. As used in this section, the following terms shall have the meanings indicated:

"Invasive Plant Species and Trees": Shall mean all native and non-native vines and vegetation that grow out of place and are competitive, persistent and pernicious, or trees which are native or non-native to this country or region of the country, whose vines produce chemicals that prevent the growth of other plants and serve as a primary food source to an invasive species of insects. These plants and trees may damage other trees, vegetation or structures. Examples include, but are not limited to:

- a. bamboo (spreading or running type);
- b. ragweed;
- c. Oriental Bittersweet;
- d. poison ivy or oak;
- e. English/Boston Ivy;
- f. Japanese knotweed; and
- g. Ailanthus altissima tree (a/k/a the "Tree of Heaven")

§ 307-3 Control of Growth. All persons must control the growth of Invasive Plant Species and Trees and keep them at least five (5) feet from the boundaries of their property line. Failure to control the spread of such vegetation and trees beyond the five (5) foot buffer from boundaries of a resident's property is a violation of this section.

§ 307-4 Inspections. All places and premises in the Township of Verona shall be subject to inspection by the enforcing officer. For purposes of this section, the enforcing officer shall be the Zoning Officer and Forrester. Such inspections shall be performed by the Zoning Officer or the Zoning Officer's designated municipal employee or Forrester. Such inspection shall be made if the Zoning Officer or Forrester has reason to believe that any subsection of this section is being violated, they receive a report or other information, or they observed a violation in their normal course of duties.

§ 307-5 Enforcement. Whenever Invasive Plant Species or Trees are 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 five (5) foot buffer

from boundaries of a property, a violation, in writing, shall be given by the inspector to the owner of the property from which the Invasive Plant Species or Trees have 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.

- A. In the event a property owner fails to correct a notice of violation within the time specified in the notice of violation, the Township may, but is not obligated to, thereafter enter upon the property and remove or abate the Invasive Plant Species or Trees. 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 Council, 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.

§ 307-6 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 and/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 the cost of removal of the Invasive Plant Species or Trees extending beyond the five foot buffer establish herein from the property line of their property, as well as the repair and replacement of any property damaged by the invasive plant or tree species.

§ 307-7 New Plantings of Invasive Plant Species. All new in-ground plantings of Invasive Plant Species or Trees are strictly prohibited. Property owners are encouraged to immediately remove all existing plantings of Invasive Plant Species or Trees but, if not removed, must contain all Invasive Plant Species or Trees by appropriate physical barriers to prevent the growth or spread of existing invasive plant or tree species beyond five (5) foot buffer established herein from the boundaries of a resident's property.

SECTION 1: REPEAL OF INCONSISTENT PROVISIONS

All ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only to the extent of such conflict or inconsistency, it being the legislative intent that all such ordinances or part of ordinances now existing or in effect unless the same are in conflict or inconsistent with any provision of this Ordinance shall remain in effect.

SECTION 2: SEVERABILITY

The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remaining in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 3: EFFECTIVE DATE

This Ordinance shall take effect immediately upon passage and publication as provided by law.

SECTION 4: CODIFICATION

This ordinance shall be a part of the Code of the Township of Verona as though codified and fully set forth therein. The Municipal Clerk shall have this ordinance codified and incorporated in the official copies of the Code. The Municipal Clerk and the Township Attorney are authorized and directed to change any Chapter, Article and/or Section number of the Code of the Township of Verona in the event that the codification of this Ordinance reveals that there is a conflict between the numbers and the existing Code, and in order to avoid confusion and possible accidental repealers of existing provisions not intended to be repealed.



ATTEST:

Jennifer Kiernan
JENNIFER KIERNAN
MUNICIPAL CLERK

I HEREBY CERTIFY THAT THE AFOREMENTIONED ORDINANCE WAS PUBLISHED IN THE VERONA CEDAR GROVE TIMES, A NEWSPAPER PUBLISHED IN THE COUNTY OF ESSEX AND CIRCULATED IN THE TOWNSHIP OF VERONA, IN THE ISSUE OF MAY 25, 2023 AND THE JUNE 16, 2023 ISSUE OF THE STAR LEDGER

**JENNIFER KIERNAN
MUNICIPAL CLERK**

INTRODUCTION: May 15, 2023
PUBLIC HEARING: June 12, 2023
EFFECTIVE DATE: July 2, 2023