

**BOROUGH OF BRADLEY BEACH, MONMOUTH COUNTY**

**ORDINANCE 2026-29**

**ORDINANCE AMENDING CHAPTER 120: “BAMBOO AND INVASIVE PLANTS” OF THE BOROUGH’S REVISED GENERAL ORDINANCES TO REVISE AND CLARIFY SUCH REGULATIONS AND ENFORCEMENT.**

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**WHEREAS**, the Borough of Bradley Beach (the “Borough”) recognizes that bamboo and invasive plant species cause substantial damage to foundations, sidewalks, roadways, drainage systems, underground utilities, neighboring properties, and public rights-of-way; and

**WHEREAS**, the Borough previously adopted Chapter 120: “Bamboo and Invasive Plants” to regulate the planting, spread, and containment of running bamboo and other invasive vegetation within the Borough; and

**WHEREAS**, the Borough has determined that amendments to Chapter 120 are necessary to strengthen and clarify existing regulations, establish updated definitions and enforcement mechanisms, and provide better standards governing bamboo and invasive plant species; and

**WHEREAS**, the Borough further finds that bamboo and invasive plant encroachment may create continuing nuisances, interfere with the use and enjoyment of neighboring properties, damage public infrastructure, and result in substantial remediation costs if left uncontrolled; and

**WHEREAS**, the Borough desires to establish clear standards regarding prohibited planting, mandatory removal, containment requirements, inspection authority, municipal abatement, cost recovery, and penalties to better protect the public health, safety, and welfare; and

**WHEREAS**, the Borough additionally recognizes recent statewide legislative efforts addressing invasive species management within the State of New Jersey and finds that strengthening local regulations is consistent with broader public policy objectives concerning invasive vegetation control and environmental protection;

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Bradley Beach, County of Monmouth, State of New Jersey, as follows:

SECTION 1. Chapter 120: “Bamboo and Invasive Plants” of the Revised General Ordinances of the Borough of Bradley Beach is amended as follows (~~stricken~~ text deleted; underlined text added):

**CHAPTER 120:  
BAMBOO AND INVASIVE PLANTS**

**§ 120-1      Authority; Purpose and Intent.**

~~The purpose of this Ordinance is to preserve and protect private and public property from the damaging spread of bamboo and other invasive plants and to protect indigenous plants and the wildlife they support from the spread of invasive plants from any neighboring property line.~~

A. Authority. This Chapter is adopted pursuant to N.J.S.A. 40:48-2, N.J.S.A. 40:48-2.14, N.J.S.A. 40:49-5, N.J.S.A. 54:5-1 et seq., and other applicable provisions of New Jersey law authorizing municipalities to protect public health, safety and welfare, abate nuisances, regulate vegetation that threatens property or infrastructure, impose penalties, and recover municipal costs through liens.

B. Purpose and Intent. The Borough Council finds that bamboo and certain invasive plant species are aggressive vegetation. Bamboo spreads through underground rhizomes and root systems and is extremely difficult to eradicate once established. Bamboo causes substantial damage to foundations, sidewalks and roadway, drainage systems, underground utilities, conservation areas, municipal rights-of-way and neighboring properties. Thus, the purpose of this chapter is to:

- (1) Prohibit the planting of bamboo and certain invasive plants within the Borough.
- (2) Prevent bamboo from spreading onto neighboring properties or public infrastructure.
- (3) Establish enforceable containment and removal standards.
- (4) Protect adjacent property owners from encroachment damage.
- (5) Establish permit and inspection authority for bamboo containment systems.
- (6) Allow the Borough to abate violations and recover associated costs through municipal liens.

**§ 120-2      Definitions.**

As used in this Chapter, the following terms shall have the meanings indicated:

~~A. **Running 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.~~

A. **Bamboo** - Any perennial woody or grass-like plant belonging to the subfamily Bambusoideae, including but not limited to species within the genera:

- (1) Bambusa — Tropical bamboo / Clumping bamboo
- (2) Phyllostachys — Running bamboo / Groove bamboo

- (3) Pseudosasa — Arrow bamboo / Japanese arrow bamboo
- (4) Sasa — Dwarf bamboo / Broadleaf bamboo
- (5) Semiarundinaria — Temple bamboo
- (6) Fargesia — Clumping mountain bamboo / Fountain bamboo
- (7) Arundinaria — Cane bamboo / River cane

B. **Property Owner(s)** – ~~Any property owner(s) or tenant(s) who, or which, have Running Bamboo or Invasive Plants on their property, even if the Bamboo or Invasive Plant has spread onto their property from an adjoining property~~ Any owner, person or entity, of property upon which Bamboo or exists.

C. **Invasive Plants** shall mean ~~all native and non-native vines and vegetation, including ragweed, multi-flora rose and kudzu vine, that grow out of place and are competitive, persistent, and pernicious. These plants may damage trees, vegetation, or structures.~~ vegetation determined by the Borough or the State of New Jersey to be aggressive, persistent, or damaging to property or ecosystems, including but not limited to

- (1) Ragweed (Ambrosia artemisiifolia)
- (2) Multiflora rose (Rosa multiflora)
- (3) Kudzu vine (Pueraria montana var. lobata)
- (4) Japanese barberry (Berberis thunbergii)
- (5) Bradford / Callery pear (Pyrus calleryana)
- (6) Tree-of-heaven (Ailanthus altissima)
- (7) Multiflora rose (Rosa multiflora)
- (8) Japanese knotweed (Reynoutria japonica / Fallopia japonica / Polygonum cuspidatum)

D. **Prohibited Plants** shall mean all vegetation ~~known as Reynoutria japonica, Fallopia japonica, and/or Polygonum cuspidatum (commonly known as Japanese knotweed) and Ailanthus altissima (commonly known as “Tree of Heaven”).~~ collectively defined hereinabove as Bamboo and Invasive Plants.

E. **Buffer Zone** – ~~A distance of at least five (5) feet from any lane, street or road, whether public or private, or from any neighboring property, whichever is more restrictive for the Property Owner(s).~~ A minimum distance of twenty (20) feet measured from the nearest point of bamboo growth to any:

- (1) property line;
- (2) street or roadway;
- (3) sidewalk;
- (4) drainage easement;
- (5) utility easement;
- (6) public right-of-way; or
- (7) adjacent property.

F. **Borough** – The Borough of Bradley Beach, Monmouth County, New Jersey.

G. **Notice** – Any written notice by, from or on behalf of the Borough, notifying the Property Owner(s) that they are in violation of this Ordinance 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.

**§ 120-3 Bamboo Prohibited Planting.**

A. The planting, installation, propagation, or replanting of bamboo or prohibited plants within the Borough is prohibited.

B. Any bamboo removed from a property shall not be replanted.

C. Bamboo may be grown only if maintained in fully enclosed above-ground containers or planters that prevent root spread into the soil.

~~A. No Planting of Running Bamboo.~~

~~(1) — The planting of Running Bamboo is prohibited within the Borough.~~

~~(2) — Any existing Running Bamboo may not be replanted or replaced after any such existing Running Bamboo has died or been removed.~~

~~(3) — Any person who plants or replants Running Bamboo within the Borough limits shall be in violation of this Ordinance and shall be subject to the penalties set forth herein, subject to the following exceptions:~~

~~(a) — The root system of such Running Bamboo is entirely contained within an above ground planter and located so as to entirely prevent the spread or growth of the plants' root system beyond the container in which it is planted; or~~

~~(b) — The root system is contained within a barrier, constructed in accordance with the following specifications:~~

~~[1] The barrier itself shall be composed of a high density polypropylene or polyethylene, with a minimum thickness of 60 mil (or 1/16 of an inch);~~

~~[2] Each portion of the barrier shall be joined together by the use of stainless steel strips or clamps;~~

~~[3] The barrier shall be a minimum of 30 inches deep, with 2-3 inches of the barrier protruding above ground level around the entire perimeter of the bamboo;~~

~~[4] When installed, the barrier shall slant outward from the bottom to top.~~

- ~~(c) Whether planted or growing in a container, as described herein, all bamboo plants shall be located, trimmed and maintained so that no part of the plant shall be closer than five (5) feet from any property line.~~

~~B. Regulation of Existing Running Bamboo:~~

- ~~(1) Any Running Bamboo already in existence on any property within the Borough limits, regardless of when planted, shall be subject to this Chapter. No pre-existing planting shall be grandfathered, nor exempt from compliance.~~
- ~~(2) Property owner(s) shall take all necessary measures to ensure that any Running Bamboo on their property does not exist within any Buffer Zone. Property owner(s) with existing Running Bamboo shall, within 90 days of the date of notice, either:
  - ~~(a) Install and maintain a containment barrier in accordance with § 120-3A(3)(b) or equivalent metal sheathing approved by the Code Enforcement Officer; or~~
  - ~~(b) Remove the bamboo entirely from the property, including all rhizomes. Removal shall be deemed complete only after inspection by the Code Enforcement Officer and verification by an independent bamboo expert that bamboo is permanently contained or removed.~~~~
- ~~(3) Property Owner(s) shall take all necessary measures to ensure that any Running Bamboo on their property does not exist within any Buffer Zone. Such measure shall include, but are not limited to, cutting down Running Bamboo existing in the Buffer Zone and physically removing or poisoning the rhizomes or spraying any regrowth for several years until the Running Bamboo is dead and, if Running Bamboo is permitted to remain outside the Buffer Zone, installing sheathing comprised of metal or other impenetrable material and placed no less than five (5) feet from the property line at a sufficient depth to prevent any growth of Running Bamboo within any Buffer Zone.~~
- ~~(4) Such necessary measures shall include, but are not limited to, cutting down running bamboo existing in the Buffer Zone and physically removing or poisoning the rhizomes or spraying any regrowth until the running bamboo is dead.~~

~~C. Follow Up Inspections.~~

- ~~(1) The Code Enforcement Officer shall conduct an inspection within thirty (30) days of the initial compliance deadline to confirm appropriate containment or removal.~~
- ~~(2) Additional inspections shall occur at six (6) months and twelve (12) months thereafter to verify no regrowth or escape.~~
- ~~(3) Property owners are responsible for costs of inspections, as set and determined by Resolution of the Borough Council.~~

~~D. Violations and Penalties.~~

- ~~(1) Property owners shall have ninety (90) days from the date of notice to comply with containment or removal requirements.~~
- ~~(2) If the property owner fails to comply with containment or removal within ninety (90) days, the Borough may take one or more of the following actions:
  - ~~(a) Initial Fines: Failure to complete containment or removal shall result in fines of not less than \$250 and not more than \$1,000 per day, until compliance is achieved.~~
  - ~~(b) Regrowth Fines: Failure to maintain containment or allowing regrowth within any Buffer Zone shall result in fines of not less than \$250 and not more than \$1,000 per day, until corrected.~~
  - ~~(c) Removal: If a property owner is found in violation more than twice within a five year period, the Borough may require full removal of all bamboo from the property, regardless of containment measures, and the Borough may thereafter recover the cost of such removal from the Property Owner(s) and place a lien on the property to recover the cost of the removal according to law.~~~~
- ~~(3) Fines for violations under this Section 120-3 shall be consistent with the penalty schedule set forth in Subsection 120-3(D).~~

**§ 120-4 ~~Invasive Plants and Prohibited Plants~~ Mandatory Removal in Certain Areas.**

- A. Bamboo shall not exist within twenty (20) feet of any property line.
  - B. Bamboo shall not exist within twenty (20) feet of any adjoining property including public rights-of-way.
  - C. Any bamboo located within these distances shall be removed in its entirety, including underground rhizomes and root systems.
  - D. Removal shall occur within thirty (30) days of written notice from the Borough, unless the Borough determines that a shorter compliance period is necessary to prevent property damage, encroachment, or risk to public infrastructure.
  - E. Removal shall be deemed complete only upon inspection by the Code Enforcement Officer and verification that the bamboo has been permanently removed or contained. Final inspection will follow approximately one year post removal.
- ~~A. Plantings and Prohibitions.~~

- ~~(1) All new in-ground plantings of Invasive Plants and Prohibited Plants are strictly forbidden within the Borough.~~
- ~~(2) All existing plantings of Invasive Plants must be contained by appropriate physical barriers to prevent the growth or spread of Invasive Plants within any Buffer Zone of any property.~~
- ~~(3) Prohibited Plants are hereby prohibited within the limits of the Borough and all such plantings shall be destroyed by the Property Owner(s) within thirty (30) days of receiving written notice from the Borough.~~

~~B. Inspection. All properties within the Borough are subject to inspection by the Code Enforcement Officer to determine compliance with this Section 120-4 as provided by law.~~

~~C. Requirements of Property Owner(s).~~

- ~~(1) All Property Owner(s) shall be required to control the growth of existing plantings of Invasive Plants.~~
- ~~(2) The failure of any Property Owner(s) to control the spread of Invasive Plants within any Buffer Zone is a violation of this Section 120-4.~~
- ~~(3) The failure of Property Owner(s) to remove and/or destroy Prohibited Plants growing upon residential or commercial property is a violation of this Chapter.~~

~~D. Removal or Abatement.~~

- ~~(1) Whenever Invasive Plants or Prohibited Plants are found planted in the ground on any plot of land, lot or any other premises or place in contravention of the provisions of this Chapter, a Notice shall be given to the Property Owner(s), providing thirty (30) days to remove or abate the same.~~
- ~~(2) The cost of the removal and/or abatement shall be borne by the Property Owner(s).~~
- ~~(3) If the Property Owner(s) fail(s) to comply with such notice, the Code Enforcement Officer may remove or otherwise control the Invasive Plants and/or Prohibited Plants and the Borough may thereafter recover the cost of such removal from the Property Owner(s) and place a lien on the property to recover the cost of the removal according to law.~~
- ~~(4) Any person violating this Section 120-4 who fails to abate the violation after notice shall be subject to a fine, not to exceed \$500.00, plus costs, for each day on which a violation has occurred, and for which the property owner has been found guilty. Each day on which the violation occurs shall be a separate offense under this Section.~~

**§120-5 Regulation of Existing Bamboo.**

- A. Existing bamboo that existed prior to adoption of this chapter may remain provided that:
- (1) It does not exist within the required Buffer Zone.
  - (2) It does not spread onto adjoining properties or public land.
  - (3) The property owner implements measures to prevent encroachment.
- B. Property owners shall take necessary control measures, at their expense, including:
- (1) root removal
  - (2) rhizome excavation
  - (3) cutting
  - (4) monitoring
  - (5) herbicide treatment consistent with NJDEP and EPA regulations.
- C. Authorized representatives of the Borough, including but not limited to the Code Enforcement Officer, Zoning Officer, or other designated municipal official, may enter and inspect any property within the Borough, at reasonable times and in accordance with applicable law, for the purpose of determining compliance with this chapter and identifying bamboo growth or related conditions regulated herein.

**§120-6 Encroachment liability and restoration.**

- A. The planting, maintenance, or spread of bamboo or prohibited invasive plants in violation of this chapter is hereby declared to be a **public nuisance** and may be abated by the Borough in accordance with the provisions of this chapter and applicable law. If bamboo originating from a property spread onto adjoining property or public land, the bamboo property owner shall be responsible for:
- (1) Complete removal of the encroaching bamboo.
  - (2) Restoration of all affected properties to pre-encroachment condition.
  - (3) All Repair, replacement, or restoration of any damage to landscaping, sidewalks, pavement, drainage systems, utilities, or other improvements resulting from bamboo encroachment. Disputes concerning private property damage between adjoining property owners shall be considered civil matters subject to resolution through appropriate legal proceedings.

**§120-7 Notice of violation.**

- A. Upon determination of a violation, the Borough shall issue written notice.
- B. Notice shall be served by:
- (1) certified mail
  - (2) regular mail
  - (3) posting on the property.
- C. Receipt shall be deemed effective upon mailing or posting.

D. The notice shall specify the violation and required corrective action.

**§120-8 Failure to comply; municipal abatement.**

A. If the property owner fails to comply with the Notice of Violation, the Borough may:

- (1) enter the property
- (2) remove or control bamboo
- (3) restore affected areas.

B. All costs incurred by the Borough will be recovered from the property owner.

**§120-9 Municipal lien.**

A. All costs incurred by the Borough shall be certified to the Tax Collector and shall become a municipal lien pursuant to N.J.S.A. 54:5-1 et seq.

B. Such lien shall:

- (1) be added to the next tax assessment
- (2) bear interest as municipal taxes
- (3) be collectible in the same manner as taxes.

**§120-10 Inspections.**

Authorized representatives of the Borough, including but not limited to the Code Enforcement Officer, Zoning Officer, or other designated municipal official, may inspect any property within the Borough at reasonable times for the purpose of determining compliance with this chapter. Such inspections shall be conducted in accordance with applicable constitutional and statutory requirements governing entry onto private property.

**§120-11 Violations and penalties.**

A. Any person violating this chapter shall, upon conviction, pursuant to N.J.S.A. 40:49-5, be subject to:

- (1) a fine not exceeding \$1,000
- (2) imprisonment not exceeding 90 days
- (3) community service not exceeding 90 days

B. Each day a violation continues shall constitute a separate offense.

SECTION 2. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

SECTION 3. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough, the provisions hereof shall be determined to govern. All other parts, portions and provisions of The Revised General Ordinances of the Borough of Bradley Beach are hereby ratified and confirmed, except where inconsistent with the terms hereof.

SECTION 4. This Ordinance shall take effect upon adoption and publication in accordance with the laws of the State of New Jersey.

**SO ORDAINED** as aforesaid.

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Erica Kostyz  
Municipal Clerk

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Alan Gubitosi  
Mayor

Introduced: May 5, 2026

Date of Hearing and Adoption: May 19, 2026