

**ORDINANCE NO. 2019-4
BOROUGH OF LEONIA
COUNTY OF BERGEN**

**AN ORDINANCE AMENDING AND SUPPLEMENTING THE CODE
OF THE BOROUGH OF LEONIA BY CREATING A NEW CHAPTER,
CHAPTER 213 "INVASIVE PLANTS"**

BE IT ORDAINED by the Mayor and Council of the Borough of Leonia, as follows:

Section 1.

The General Code of the Borough of Leonia is hereby amended and supplemented by the addition of Chapter 213 "Invasive Plants", as follows:

213. Invasive Plants

§213-1. Purpose.

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

§213-2. Definitions.

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

INVASIVE PLANTS: 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 (spreading or running type), ragweed, multi-flora rose, kudzu-vine and poison ivy or oak.

§213-3. Control of Growth.

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

§213-4. Inspections.

The Property Maintenance Officer shall have the right to conduct an inspection of the property on which the alleged violation is occurring, if the Property Maintenance Officer has reason to believe that any section of this chapter is being violated.

§213-5. Violations and penalties.

- A. Whenever an invasive plant as defined by this chapter is 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 boundaries of a property, a violation shall be given to the owner of the property from which the invasive species has spread, in writing, to remove or abate the same within 30 days. The cost of all remedies, including the removal of plantings of invasive plants, shall be borne by the property owner.

- B. Any person violating the provisions of this chapter shall, upon conviction, be punishable by a fine of not more than \$2,000.00 or community service 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.
- C. Notwithstanding any other penalty or fine which may be imposed under this section, if an owner fails to comply with the removal or abatement of an invasive plant, the Borough 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.

§213-6. Planting of Invasive Plants Limitations.

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

Section 2. Severability.

If any article, section, sub-section, sentence, clause or phrase of this Ordinance is for any reason deemed to be unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

Section 3. Repealer.

All ordinances or parts of ordinances inconsistent herewith are hereby repealed.


Section 4. Effect.

This Ordinance will take effect upon publication as required by law.



Judah Zeigler, Mayor

ATTEST



Barbara Rae
Interim Borough Clerk

Introduced: April 1, 2019
Adopted: *MAY 6, 2019*
Approved: *MAY 6, 2019*