

**BOROUGH OF NEW PROVIDENCE
ORDINANCE 2025-08**

**AN ORDINANCE OF THE BOROUGH OF NEW PROVIDENCE, COUNTY OF UNION,
STATE OF NEW JERSEY CREATING CHAPTER 116, PLANTING, GROWING AND
CONTAINMENT OF BAMBOO FOR THE CODE OF THE BOROUGH**

WHEREAS, it has been found that certain types of bamboo spread rapidly underground through the root system through underground rhizomes, thereby damaging and infesting nearby property, and there presently exists within the Borough running bamboo which has expanded beyond borders of property upon which it was originally grown causing damage to adjoining properties; and

WHEREAS, such invasive forms of bamboo will, by their nature, invade, infest and damage other plants, roads, sidewalks, buildings and structures in nearby properties and areas; and

WHEREAS, it has been found that invasive forms of bamboo are not readily controlled by customary rendering of agricultural measures;

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of Borough of New Providence, County of Union, State of New Jersey that the Code of the Borough shall be amended to create Chapter 116 to be titled Planting, Growing and Containment of Bamboo as follows:

116-1. Purpose and Intent.

The purpose of this Chapter is to protect public and private property within the Borough from damaging spread of bamboo by prohibiting the planting, growing, maintenance or cultivation of bamboo within the Borough. The planting and uncontrolled growth of bamboo is known to threaten other vegetation and endanger existing ecosystems, and is disruptive to the general health and welfare of a community.

116-2 Definitions.

The following definitions apply to this section:

BAMBOO

The plant species commonly known as bamboo and shall include both running (monopodial) woody grass from the genera of bamboos including, but not limited to bambusa phyllostachys and psaudosasa, as well as common bamboo, golden bamboo, and arrow bamboo, and clumping (sympodial) bamboo, including, but not limited to fargesia and bambusa.

PERSON

Any natural person, firm, corporation, partnership, limited liability company, or other organization or group.

116.3. PLANTING, GROWTH AND CULTIVATION OF BAMBOO PROHIBITED.

No person, whether an owner, tenant or other occupant, in possession or control of real property located within the Borough of New Providence shall plant, grow, maintain or cultivate, or cause to plant, grow, maintain or cultivate, bamboo upon any such property, unless the root system of the bamboo plant is entirely contained within an above-ground planter, barrel or other container of such design, material and location so as to entirely prevent the spread or growth of the bamboo plant's root system beyond the container in which it is planted; and the bamboo plants contained as described herein shall be located, trimmed and maintained so that no part of any plant shall be closer than five (5') feet from any property line or right-of-way.

116-4. EXCEPTION.

This Section shall not apply to any person, whether an owner, tenant, or other occupant in possession or control of real property, who, prior to the effective date of this Section, has planted or caused to grow bamboo on any property within the Borough of New Providence, provided, that such existing bamboo plants shall not be permitted to grow, be maintained or cultivated so as to allow the bamboo to be closer than five (5) feet from any property line or right-of-way within the Borough of New Providence.

116-5. COMPLIANCE.

Whenever a complaint is received by the Borough of New Providence regarding the encroachment of any bamboo plant or root, or whenever the Borough of New Providence Zoning Officer or Code Enforcement Officer determines that there is an encroachment of bamboo plants or roots onto the property of another or any public property, the Zoning Officer or Code Enforcement Officer shall forward a written notice of violation to the alleged offending property owner, tenant, occupant or other possessor (hereinafter, the "violator"). The owner of the property in which the bamboo originated shall be responsible for any removal, containment, and/or penalties defined within this Ordinance. Which notice shall include, but not be limited to, the following:

- A. The notice required to be given under this Section shall be mailed by the Zoning Officer, Code Enforcement Officer or other officer designated by the Borough to said owner or tenant by certified mail, return receipt requested, addressed to his or her last known address or, if unknown, in the case of an owner, to his or her address as the same appears on the tax records of the municipality, or in the case of a tenant, to the property address. Notice may be served by hand delivery, as long as service is witnessed.
- B. The notice of violation shall specify the exact nature of the violation.
- C. The notice must state specifically what must be done by the violator to cure the violation.
- D. Every such notice shall, in addition to requiring compliance with this Section, warn the owner or tenant that failure to affect such removal within the time stated in said notice will result in such removal by the Borough of New Providence, and the cost of such removal will be charged to the owner or tenant. In the event that service of notice is made upon the owner or tenant,

the cost of such removal shall forthwith become a lien upon the lands and shall be added to and become a part of the taxes next to be collected in the same manner as taxes, as herein provided.

116-6. COSTS TO BECOME A LIEN.

In all cases where bamboo is removed from any lands under this Section by or under the direction of the Borough Zoning Officer or Code Enforcement Officer, to affect such removal, such officer shall certify the cost thereof to the Mayor and Council, who shall examine the certificate and, if found correct, shall cause the cost as shown thereon to be charged against said real property. The amount so charged shall forthwith become a lien upon such property and levied upon such property, the same to bear interest at the same rates as taxes, and shall be collected and enforced by the same officers and in the same manner as taxes. The above costs of removal shall be additional to any other penalties which may be imposed under this Section.

Severability Clause.

If any article, subsection, sentence, clause or phrase of the Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and the shall remain in full force and effect, and to this end the provisions of this ordinance are hereby declared severable.

Repealer.

All ordinances and resolutions, and parts of ordinances and resolutions which are inconsistent with the provisions of this ordinance shall be, and are hereby, repealed to the extent of any such inconsistency.

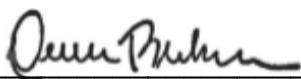
Effective date.

This ordinance shall take effect upon final adoption and publication in accordance with the law.

Introduced: October 28, 2025
Public Hearing: November 10, 2025
Adopted: November 10, 2025

BOROUGH OF NEW PROVIDENCE
COUNTY OF UNION
STATE OF NEW JERSEY

Attest:



Denise Brinkofski, Borough Clerk



Allen Morgan, Mayor