

ORDINANCE NO. 2026-10

AN ORDINANCE AMENDING 3 (POLICE REGULATIONS) TO REGULATE BAMBOO IN THE BOROUGH OF FLEMINGTON

WHEREAS, there is a need to control the planting, cultivating, and/or growing of bamboo in the Borough of Flemington and to require barriers to prevent the spread of existing bamboo into other areas of the Borough; and

WHEREAS, the Borough Council wishes to remove and adopt an ordinance to effectuate the control of bamboo plantings in the Borough.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Flemington, in the County of Hunterdon, State of New Jersey, that Chapter 3 shall be amended as follows:

SECTION I.

Section 3-29 is hereby created in Chapter 3 of the municipal code of the Borough of Flemington and shall be entitled "Regulation of Bamboo."

SECTION II.

Section 3-29.1 is hereby created and shall be entitled "Purpose" and shall contain the following text (all text novel):

This article is adopted to control the planting, cultivating and/or growing of bamboo in the Borough of Flemington and to require barriers to prevent the spread of existing bamboo into other areas of the Borough.

SECTION III.

Section 3-29.2 is hereby created and shall be entitled "Purpose" and shall contain the following text (all text novel):

Subject to certain exemptions set forth in this Section, no persons, residents, citizens, property owners and/or tenants of property within the Borough shall plant, cultivate, or cause to grow, any bamboo on any lot and/or parcel of ground anywhere within the geographic boundaries of the Borough of Flemington, except for:

A. Where the root system of such bamboo plant(s) is/are entirely contained within an above-ground-level planter, barrel, or other vessel of such design, material and location as to entirely prevent the spread of growth of the bamboo plants' root system beyond the container in which they are planted.

B. 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 15

feet to any property line and shall not be permitted whatsoever in the front yard area of any property.

SECTION IV.

Section 3-29.3 is hereby created and shall be entitled “Exemption” and shall contain the following text (all text novel):

This article shall not apply to any landowner or possessor of said land who, prior to the effective date of this article, has planted or caused to grow any bamboo on any property within Borough limits unless the Code Enforcement Officer determines on their own, or upon complaint from any abutting or nearby property owner, that any portion of such bamboo has been allowed to grow upon, extend roots across, or extend branches, stalks or leaves over any public way or any private property not owned by or in the possession of such landowner or any possessor of said land. If such occurs, the provisions of Section 3-29.4 herein shall apply.

SECTION V.

Section 3-29.4 is hereby created and shall be entitled “Complaint notice; Order for Removal and Compliance” and shall contain the following text (all text novel):

Whenever a complaint is received by the Borough regarding the encroachment of any bamboo plant or root, or whenever the Borough, on its own observations and inspections, determines that there is an encroachment of bamboo plants or roots onto the property of another landowner, or tenant in possession of the property, or both, the Borough shall cause notice to be served and the following actions to occur:

A. The notice shall be mailed by certified mail, return receipt requested, properly addressed and with sufficient postage, and also by first class mail. Notice by certified mail and by first class mail shall be deemed complete on the date of dispatch.

B. The notice shall specify the general nature of the violation(s).

C. The notice shall state that the violation(s) must be corrected within 20 calendar days from the date of dispatch of such notice.

D. The notice shall state specifically what must be done by the responsible party to correct the violation(s).

SECTION VI.

Section 3-29.5 is hereby created and shall be entitled “Violations and Penalties” and shall contain the following text (all text novel):

A person deemed to have violated any provisions of this article shall be fined as outlined in Section 9B-5 of the municipal code of the Borough of Flemington.

If the violation is not remedied within the time set forth in the aforesaid notice, the provisions of Section 9B-4 of the municipal code of the Borough of Flemington shall apply.

SECTION VII. If any part of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance.

SECTION VIII. Should any section, paragraph, sentence, or clause of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect and, to this end, the provisions of this Ordinance are hereby declared severable.

SECTION IX. This Ordinance shall take effect upon adoption and publication in the manner prescribed by New Jersey general law.

I, Carla Conner, Borough Clerk, hereby certify that the Ordinance #2026-10 published herewith was introduced on first reading at a meeting of the Governing Body of the Borough of Flemington, County of Hunterdon, held April 13, 2026. The Ordinance will be further considered for final adoption after Public Hearing, at a meeting of the Governing Body to be held in the Flemington Borough Hall, 38 Park Avenue, Flemington, NJ 08822, on April 27, 2026 at 7:00 p.m. Copies of this ordinance shall be made available in the Municipal Clerk's office to members of the general public who shall request same.

Carla Conner
Borough Clerk