

TOWNSHIP OF WEST WINDSOR
MERCER COUNTY, NEW JERSEY

ORDINANCE 2026-16

AN ORDINANCE ADDING CHAPTER 42, BAMBOO, TO THE CODE OF THE
TOWNSHIP OF WEST WINDSOR TO REGULATE THE PROHIBITION, EXISTENCE,
AND REMOVAL OF BAMBOO

WHEREAS, certain Bamboo species, particularly those in the *Phyllostachys* and *Pseudosasa* genera, are fast-growing, invasive and spread aggressively through underground rhizomes; and

WHEREAS, New Jersey has enacted the Invasive Species Management Act P.L. 2025, Chapter 290, which lists running bamboo (*Phyllostachys*) as a prohibited invasive species; and

WHEREAS, even non-running bamboo species can be vigorous, dense perennials that possess a substantial, expanding root mass capable of exerting significant pressure on foundations, retaining walls, sidewalks, and underground utility infrastructure over time; and

WHEREAS, uncontrolled bamboo presents risks to **public** health and public safety when it obstructs sight triangles and intrudes into the public rights-of-way, and to private property when it spreads across property lines; and

WHEREAS, bamboo is incompatible with governmental environmental easements, where native vegetation and natural resource protections exist; and

WHEREAS, bamboo is incompatible with utility easements, as it may interfere with access and maintenance activities, and damage utility infrastructure; and

WHEREAS, it is necessary to comprehensively regulate bamboo by: prohibiting new plantings of bamboo; requiring the removal of bamboo from environmental and utility easements; prohibiting bamboo within clear sight triangles, as well as providing buffers from property lines; and

WHEREAS, it is necessary to further control existing bamboo by requiring the installation of a bamboo containment barrier to prevent its spreading and encroachment into such prohibited locations and across property lines.

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of West Windsor, County of Mercer, State of New Jersey, as follows:

SECTION I.

A new Chapter, entitled "Bamboo," shall be added as Chapter 42 to the Code of the Township of West Windsor Code, as follows:

CHAPTER 42: BAMBOO

§42-1. Regulation of Bamboo.

The governing body finds that certain species of bamboo, particularly running bamboos, are highly invasive. Their extensive underground rhizome systems allow them to spread rapidly, often encroaching onto neighboring properties and damaging hardscapes and vegetation. Uncontrolled growth of multiple bamboo species has been documented to undermine foundations, displace sidewalks, damage storm and sewer lines, and crowd out native plants.

This Chapter is adopted to safeguard public health, property values, public infrastructure and the environment from the documented harms of invasive bamboo. Its purposes are to outlaw the introduction of new bamboo; to require containment or removal of existing bamboo so that it cannot spread onto adjacent land; and to provide enforcement and penalties to ensure compliance and protect affected property owners.

§42-2. Definitions.

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

BAMBOO

Any plant in the genera *Phyllostachys*, *Bambusa*, *Pseudosasa*, or other bamboo species, including all canes, branches, leaves, and rhizomes (underground runners).

BAMBOO CONTAINMENT BARRIER

A containment barrier to fully encircle the bamboo and prevent rhizome escape. This barrier prevents bamboo encroachment upon: buffer zones, other properties; Township rights-of-way; environmental and utility easements; and drainage facilities.

DESIGNATED TOWNSHIP OFFICIAL

The Township Landscape Architect, Zoning Officer, Construction Official, or other such official designated by the Mayor

CONSERVATION EASEMENT

A non-fee interest (e.g. an easement, covenant, restriction), in real property, established for protecting, preserving, restoring, or managing environmental resources (such as wetlands, habitat, groundwater recharge areas, stormwater recharge facilities, or open space), memorialized in an easement instrument.

SIGHT TRIANGLE

That area of street intersections as defined in § 170-8A of Chapter 170, Trees, and § 200-57E of Chapter 200, Land Use.

UTILITY EASEMENT

A non-possessory (less than fee) interest granting a public utility or public entity, a limited right to use another's land, for the access, installation, maintenance, repair or replacement of utility infrastructure (e.g. underground cables, water, sewer, stormwater pipes and drainage systems, underground and overhead electric or telecommunication lines and associated structures), memorialized in an easement instrument.

PROPERTY OWNER

The owner of the property where the Bamboo originated as determined by the designated township official. This term does not include an owner onto whose property bamboo has spread from another property.

§42-3. Standards Established.

A. Prohibited Locations

- (1) New planting of any bamboo species is prohibited everywhere in the Township, except as Container Planting as specified in § 42-3.B(1).
- (2) No property owner shall allow existing bamboo currently growing on any property within the Township, regardless of species, in the following prohibited locations:
 - a) Within fifteen (15) feet of any property line;
 - b) Within any conservation easement;
 - c) Within any utility easement;
 - d) Within a clear sight triangle.
- (3) All existing Bamboo outside the prohibited areas specified in § 42-3.A(2) must be contained as specified in § 42-3.B.

B. Bamboo Containment shall be as follows:

- (1) Container planting: The bamboo's root system must be entirely contained within an above-ground planter or pot, physically separated from the ground, that prevents any underground spread of the bamboo plants' root system beyond the container in which it is planted.

(2) Barrier containment: The bamboo's root system must be entirely enclosed and contained by a permanent underground barrier, constructed and maintained in accordance with the following specifications:

- a) The barrier shall be made of high-density polyethylene or similar material at least 60 mil thick, and
- b) Barrier shall extend no less than 30 inches deep with an additional 2–3 inches extending above ground, and
- c) Barrier shall slope outward so as to deflect rhizomes upwards utilizing bolted all stainless-steel clamp system of equal length to the depth of the barrier to join seams, and
- d) Such barrier must fully encircle and contain the bamboo and prevent rhizome escape., and
- e) Barrier shall not adversely affect topography, stormwater flow, or sight-distance conditions., and
- f) A design plan and details for the barrier, including plans for bamboo disposal, shall first be submitted to and approved by the designated Township Official prior to installation. Installation of the barrier shall be subject to inspection and approval by the designated Township Official during construction and at completion.

C. Existing Bamboo

If bamboo is present in any prohibited locations listed in § 42-3.A, and a complaint is received by the Township, the designated Township Official shall inspect and issue a written Notice to the property owner to cure the Bamboo in accordance with this Chapter.

D. Property Owner Responsibility

Property owners are responsible for all costs associated with bamboo removal and property restoration, containment, disposal and compliance with this Chapter on their property and encroached upon property.

§42-4. Enforcement, violations and penalties.

- A. Inspection: **The designated Township Official may, as allowed by law, conduct inspections to determine whether bamboo has been planted, maintained, or allowed to spread in violation of this chapter.**
- B. Notice of Violation: If bamboo is found to exist in violation of this Chapter, the designated Township Official shall issue a written notice to the Property Owner where Bamboo originated specifying the violation and requiring abatement. Notice shall be provided to the bamboo property owner by certified, return-receipt-requested mail and regular mail.
- C. Compliance:
 - (1) Within thirty (30) days of receipt of such notice, the property owner shall submit to the designated Township Official a plan for the removal of the bamboo from the prohibited locations, and any off-site property onto which they have encroached, which plan shall include restoration after removal of the bamboo, and Bamboo Containment Barrier for any bamboo to remain on the property, or, in the alternative, the total removal of bamboo from the property owner's property. The plan is also to include proper disposal of the removed Bamboo. Within thirty (30) days of receipt of the designated Township Official's approval of the plan, the removal and restoration shall be completed to the satisfaction of the designated Township Official.
 - (2) If the property owner fails to complete removal of the bamboo from prohibited locations within either 30 days from the approval of the plan or sixty (60) days of the initial notice, whichever is longer, the Township may remove or contract for the removal of such bamboo from said area(s). The cost of removal, restoration and disposal shall be the responsibility of the property owner and shall be assessed as a lien against the property on which the growth has been deemed to have originated. The cost of removal of the bamboo shall also include the installation of an appropriate barrier to prevent future bamboo invasion.

(3) The property owner may request an extension of time due to mitigating circumstances, if the extension request occurs within the time periods specified within 42.4 C (1). The Township Official shall review the request and respond in writing with allowed extension time and requirements or reasons for rejection.

D. Penalties: Any person violating this Chapter who fails to abate the violation as described in § 42-4.C shall be subject to a fine, not to exceed \$500, 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 chapter.

§ 42-5. Encroachments.

- A. Encroachment on public property; rights of Township. When an encroachment of bamboo occurs upon public property, right-of-way, or easement area, the Township may remove or contract for the removal of such bamboo from said area(s). The cost of removal, **restoration, disposal and installation of an appropriate barrier to prevent future bamboo invasion** shall be the responsibility of the property owner and shall be assessed as a lien against the property on which the growth has been deemed to have originated.
- B. Encroachment on private property; if encroachment on private property is not cured within the timeframe described in § 42-4.C, the Township may remove or contract for the removal of such bamboo from said area(s). The cost of removal, restoration, disposal **and installation of an appropriate barrier to prevent future bamboo invasion** shall be the responsibility of the property owner and shall be assessed as a lien against the property on which the growth has been deemed to have originated.
- C. **Any lien charged under 42-5(A) and (B) shall forthwith become a lien upon the property and shall be payable as soon as the township official certifies the amount due.**
- D. Encroachment on private property; rights of individuals. Nothing herein shall be interpreted as limiting the rights of an individual to seek civil relief through a court of proper jurisdiction, nor the institution of civil proceedings against the proper parties.

SECTION II

SEVERABILITY - If any part of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions.

SECTION III

EFFECTIVE DATE - This ordinance shall take effect 20 days after action or inaction by the Mayor as approved by law or an override of a mayoral veto by the Council, which is applicable upon publication according to law.

INTRODUCTION: August 3, 2026

PUBLIC HEARING:

ADOPTION:

MAYOR APPROVAL:

EFFECTIVE DATE: